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STATE OF MICHIGAN  
30th JUDICIAL CIRCUIT FOR THE COUNTY OF INGHAM  
CRIMINAL DIVISION

THE PEOPLE OF THE  
STATE OF MICHIGAN

v  
JOHN C. KELSEY II,  
Defendant.

Case No. 14-1380-FH  
Hon. James S. Jamo

JURY TRIAL - VOLUME 1

BEFORE THE HON. JAMES S. JAMO, CIRCUIT JUDGE

Ingham County, Michigan - Tuesday, May 26, 2015

APPEARANCES:

For the People: JONATHAN C. ROTH (P72030)  
Assistant Prosecuting Attorney  
Ingham County Prosecutor's Office  
303 W. Kalamazoo Street, 4th Fl.  
Lansing, MI 48933

For the Defendant: BRIAN P. MORLEY (P58346)  
Fraser Trebilcock Davis & Dunlap, PC  
124 W. Allegan Street  
Suite 1000  
Lansing, MI 48933

ALSO PRESENT: John C. Kelsey II, Defendant  
Detective Sergeant Kyle McPhee  
Detective Trooper Troy Johnston

REPORTED BY: Melinda I. Dexter, RMR, CSR-4629  
NCRA Realtime Systems Administrator  
Official Court Reporter  
313 W. Kalamazoo  
P.O. Box 40771  
Lansing, MI 48901-7971

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APPELLATE DEFENDER OFFICE

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Ingham County, Michigan  
Tuesday, May 26, 2015 - 8:47 a.m.  
THE COURT: We're on the record in the matter of People versus John Coryell Kelsey. It is Case No. 14-1380-FH.  
Can we have your appearances for the record, please, Mr. Roth?  
MR. ROTH: Jonathan Roth on behalf of the People. Also at counsel table is Detective Trooper Troy Johnston and Detective Sergeant Kyle McPhee.  
MR. MORLEY: Good morning, Your Honor. Brian Morley on behalf of Mr. Kelsey.  
THE COURT: Good morning. A couple of preliminary things to go over. This is the time scheduled for the beginning of the jury trial in this matter, and I just want to cover a couple of preliminary things on my end, and then I'll let you put on the record what you want to put on the record because I understand there are some stipulations, perhaps, that we need to cover.  
First of all, in looking at the preliminary jury instructions, I have a witness list that is 112 witnesses long, and I know there was some exchange about some of the expert witnesses. So I don't know whether all of these witnesses still need to be read

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preliminarily to the jury during voir dire or whether we have some that we need to strike.  
MR. ROTH: Your Honor, I believe Mr. Morley struck one expert. Other than that, I would ask that everybody be read because I think, while they won't be called, they may be mentioned in terms of the lay witnesses.  
THE COURT: I understand, was it Mr. Funk that --  
MR. MORLEY: No. It would be Dr. Nerbonne, N-E-R-B-O-N-N-E. Other than that, I think counsel is correct.  
THE COURT: All right. So that will be the only one I will not read is Terry Nerbonne --  
MR. MORLEY: Yes, sir.  
THE COURT: -- which is 111 on my list. Okay. Then, as I understand it, just so we have -- I'm not sure we put this on the record previously, but just so that we have it on the record, that we agree that we would seat 14 jurors, correct?  
MR. ROTH: That's correct, Your Honor.  
MR. MORLEY: Yes, sir.  
THE COURT: And then you have five peremptories each, correct?  
MR. ROTH: That's correct, Your Honor.

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MR. MORLEY: Yes, sir.  
THE COURT: And you also agreed that there would be no juror questions of the witnesses.  
MR. ROTH: That's correct, Your Honor.  
MR. MORLEY: Yes, sir.  
THE COURT: All right. And we are going to tell the prospective jurors that this will last approximately two weeks, correct?  
MR. ROTH: That's correct, Your Honor.  
MR. MORLEY: Yes, sir.  
THE COURT: All right. The other thing that I wanted to cover from my end is we have had a series of e-mail exchanges between myself and the attorneys regarding preliminary jury instructions, and I think with the exception of the instruction pertaining to the elements, that we are in agreement as to the preliminary instructions. Is that right?  
MR. ROTH: That's correct, Your Honor.  
MR. MORLEY: Yes, sir.  
THE COURT: And as to the question that was raised as pertains to the modified version of Criminal Jury Instruction 15.20 that you submitted jointly, that was the only one that there remained an issue on.  
And just so we have it on the record, and I'll let you make any statements that you want for the record

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pertaining to that, the sum and substance of our exchange --  
Well, let me put some of it on the record so that we can make sure that it's a complete record in case there is an issue at some point in time.  
I had received your joint draft of the special jury instruction modifying Michigan Criminal Jury Instruction 15.20. And after reviewing that and the statute and case law that apply, one of the things that we did is we included the reference to causing death in the title. But regarding -- more particularly regarding the subject matter raised by the Defense which has to do with the proximate cause aspect of that particular charge and instruction, I had indicated in an e-mail to both of you that I had agreed with Mr. Morley's contention that proximate cause requires consideration of whether a superseding cause severed the link.  
That is set forth in the case both of you cited, which is *People v Schaefer*, 473 Mich 418, a 2005 case, which references that concept in multiple places, including indicating:  
For a defendant's --  
Quote:  
For a defendant's conduct to be regarded as a proximate cause,

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<p>1 the victim's injury must be a 2 direct and natural result of the 3 defendant's actions. In making 4 this determination, it is 5 necessary to examine whether 6 there was an intervening cause 7 that superseded the defendant's 8 conduct such that the causal link 9 between the defendant's conduct 10 and the victim's injury was 11 broken. If an intervening cause 12 did indeed supersede the 13 defendant's act as a legally 14 significant causal factor, then 15 the defendant's conduct will not 16 be deemed a proximate cause of 17 the victim's injury.</p> <p>18 Now, <i>Schaefer</i>, as I noted in my e-mail, deals 19 with a different statute than we're dealing with here and 20 a different charge. The causation analysis, as I 21 indicated, is still applicable to the charge of fleeing 22 and eluding in the first degree as it pertains to the 23 "resulted in death" portion of the instruction.</p> <p>24 So looking at the instruction, the reference 25 and commentary to Michigan Criminal Jury Instruction 15.1</p> <p style="text-align: center;">7</p>	<p>1 operation of the vehicle and 2 whether an intervening cause may 3 have superseded and thus severed 4 the causal link.</p> <p>5 That's found at <i>Schaefer</i> at page 438. So I 6 went on to note that if it is claimed that Defendant's 7 alleged operation of the vehicle was not a proximate 8 cause of the death because of an intervening superseding 9 cause, then the second part of the proximate cause 10 analysis is required.</p> <p>11 I indicated some comment that we would need to 12 figure out the most efficient and accurate way to express 13 that in a jury instruction. And that <i>Schaefer</i> again -- 14 the <i>Schaefer</i> case is instructive; in that, it indicates 15 that if the claimed intervening cause was reasonably 16 foreseeable from an objective point of view, then the 17 defendant's cause will be considered a proximate cause.</p> <p>18 If the intervening act by the victim was not 19 reasonably foreseeable, then the intervening act 20 supersedes and severs the causal link and is not a 21 proximate cause of the death. And that's from <i>Schaefer</i>, 22 437 and 438.</p> <p>23 So I indicated these concepts need to be 24 incorporated into a jury instruction at some point in 25 time but that the Defendant needed to identify</p> <p style="text-align: right;">9</p>
<p>1 -- 11, which is the OWI causing death, which I thought 2 was instructive as well, I indicated that while Mr. Roth 3 is correct that the text of Michigan Compiled Law 257.904 4 consisting of, quote: 5 ...who, by operation of that 6 motor vehicle, causes the death 7 of another person.</p> <p>8 Close quotes, requires the causation assessment 9 be of the operation of the motor vehicle as opposed to 10 the component fact of not having a valid driver's license 11 or operator's license.</p> <p>12 The determination of causation still requires 13 an analysis of both whether the defendant's operation of 14 the vehicle was a factual cause -- in other words, but 15 for cause of the death -- and the proximate cause; in 16 other words, direct and natural result.</p> <p>17 And noted -- I noted that the suspension or 18 revocation of the driving privileges is a separate 19 element and not part of the cause analysis as reflected 20 in the Jury Instruction 15.20 subpart 3.</p> <p>21 The proximate cause part of the analysis 22 requires, as I said according to <i>Schaefer</i> that, quote: 23 ...one must inquire whether the 24 victim's death was a direct and 25 natural result of the defendant's</p> <p style="text-align: center;">8</p>	<p>1 specifically what he claims to be the "not reasonably 2 foreseeable" conduct in order to put this into a jury 3 instruction.</p> <p>4 And if it is based upon a claim of gross 5 negligence in the operation of the motor vehicle, then we 6 would need further instruction consistent with the 7 <i>Schaefer</i> case, language which says, quote: 8 ...in criminal juris prudence, 9 gross negligence means a 10 wantonness and disregard of the 11 consequences which may ensue and 12 indifference to the rights of 13 others that is equivalent to a 14 criminal intent.</p> <p>15 That's at <i>Schaefer</i> page 438. And I further 16 noted that I would take judicial notice and instruct the 17 jury on those instructions or those statutes and code 18 provisions which specifically exclude a police officer 19 performing his or her duty from certain traffic code 20 restrictions and that I would give a proper instruction 21 pertaining to that under Michigan Criminal Jury 22 Instruction 4.6.</p> <p>23 After that, the parties conferred about that. 24 There was an exchange of e-mails. No agreement was 25 reached as to revision of -- further revision of 15.20.</p> <p style="text-align: right;">10</p>



<p>3 And as I left it in my latest e-mail to you about this, I  4 indicated that after considering your responses to what I  5 have just outlined on the record and looked at the  6 requirement for preliminary jury instruction, which is  7 MCR 2.513(A), that I concluded that the jointly submitted  8 15.20, the revised version, does satisfy the purpose of  9 giving preliminary instruction to the jury prior to  10 presentation of proofs; in that, it accurately advises  11 the jury, it will be asked to decide whether the  12 Defendant's operation of the vehicle caused the victim's  13 death and also that the determination in that regard  14 involves both factual cause and proximate cause.  15 And that, therefore, I would give the  16 preliminary instruction as you presented it, 15.20, and  17 not further modify it at this time subject to  18 modification as a final instruction once we hear the  19 proofs in the case, and that's where we left it.  20 Anything anybody wants to put on the record  21 regarding that, Mr. Roth?  22 MR. ROTH: Nothing to add, Your Honor. I think  23 that fairly summarizes our communication.  24 THE COURT: Mr. Morley?  25 MR. MORLEY: Only, Judge, that in e-mail  communications I asked that the superseding cause be part  of the preliminary instructions to the jury, and the</p> <p style="text-align: right;">(11)</p>	<p>1 MR. ROTH: Mr. Kelsey -- Frank Kelsey, excuse  2 me.  3 THE COURT: All right. That's the Defendant's  4 father?  5 MR. ROTH: That's correct, Your Honor.  6 THE COURT: All right. Good morning,  7 Mr. Zeineh.  8 MR. ZEINEH: Good morning, Your Honor. How are  9 you?  10 THE COURT: Good.  11 All right. Thank you, Mr. Roth.  12 Mr. Morley, is that -- are you in agreement  13 with the sequestration and what Mr. Roth has outlined?  14 MR. MORLEY: I am, Your Honor. Thank you.  15 THE COURT: Okay.  16 MR. ROTH: Mr. Morley and I discussed a phone  17 call that is going to be of some issue at some point in  18 the trial between the Defendant and Trooper Singleton.  19 It's my understanding it will not be in opening statement  20 for either party. And we can just take it up on the day  21 that Trooper Singleton testifies.  22 THE COURT: All right.  23 MR. MORLEY: That's accurate.  24 MR. ROTH: And, finally, just as a heads-up to  25 everybody involved, I've spoken to Mr. Morley about this.</p> <p style="text-align: right;">13</p>
<p>1 Court disagreed with me. And also I raised the issue  2 that while there are statutes that allow officers to not  3 adhere completely to traffic rules, those -- each of  4 those statutes has a cautionary instruction:  5 The driver of a police officer  6 must operate his vehicle in a  7 safe manner.  8 And that can be addressed at closing. Other  9 than that, I think you factually stated the discussions  10 between counsel and the Court.  11 THE COURT: All right. Thank you, Mr. Morley.  12 And then from your perspective, any  13 stipulations or other matters you want to put on the  14 record, Mr. Roth?  15 MR. ROTH: Thank you, Your Honor. First we'd  16 ask to sequester all potential witnesses. We can, of  17 course, police our side.  18 As to a couple witnesses, it's my understanding  19 that the Defendant's parents, Marcia McGarry and Frank  20 Kelsey, are no longer in the courtroom. Mr. Kelsey has  21 counsel, Edwar Zeineh, who is present in the courtroom.  22 In speaking with Mr. Zeineh, pursuant to sequestration  23 order, Mr. Zeineh will not communicate the content of the  24 trial until it is complete to his client.  25 THE COURT: Mr. Zeineh is counsel for --</p> <p style="text-align: right;">(12)</p>	<p>1 The People have thus far been unable to serve Witness  2 Brian Hildabridle. It is my intent after court today to  3 draft a petition for a capias warrant and send that to  4 both counsel, as well as the Court, for signature and a  5 warrant for his arrest.  6 THE COURT: Anything you want to put on the  7 record about that, Mr. Morley?  8 MR. MORLEY: No, sir. Thank you.  9 MR. ROTH: Nothing else from the People.  10 THE COURT: Mr. Morley, anything from your  11 side, sir?  12 MR. MORLEY: It may be early, but Mr. Roth and  13 I have an agreement regarding the police cruiser video in  14 this matter and when and where it will be stopped. If  15 the Court recalls, I filed a motion in limine. Counsel  16 agreed with the motion in limine. So I withdrew the  17 hearing date on it. We've agreed when it will stop.  18 I won't -- I'll defer to Mr. Roth on how he  19 wants to present his case, but we have an agreement as to  20 what part of the dispatch tape, when it will cease. I  21 think that's accurate.  22 THE COURT: All right. Thank you, Mr. Morley.  23 That's accurate, isn't it, Mr. Roth?  24 MR. ROTH: That's specifically as to the MVR.  25 We talked preliminarily about the specific time. We're</p> <p style="text-align: right;">14</p>

1 going back and forth. My proposal is two minutes -- I'm  
 2 sorry, 2:12 in the morning. Mr. Morley is going to  
 3 review that and see if that suffices.  
 4 THE COURT: All right.  
 5 MR. MORLEY: True.  
 6 THE COURT: But, in any event, it sounds like  
 7 that will be worked out. And, if not, you'll raise that  
 8 issue before you present that?  
 9 MR. ROTH: Absolutely. Thank you.  
 10 THE COURT: Other issues, Mr. Morley?  
 11 MR. MORLEY: No, sir. Thank you.  
 12 THE COURT: Okay. We will then call for the  
 13 jurors. It will take a few minutes for them to get up  
 14 here. So we'll take a break while the jurors are  
 15 assembling out in the hall.  
 16 And for those of you in the audience, you have  
 17 to have your cell phones off. You cannot have any cell  
 18 phones on while you're in the audience with the exception  
 19 of attorneys. And that means not just on silent but  
 20 completely off. There is no use of any cell phones in  
 21 the courtroom and certainly no picture taking or video  
 22 taking by way of cell phone.  
 23 Mr. Roth?  
 24 MR. ROTH: I'm sorry, I just wanted --  
 25 THE COURT: That triggered something?

15

1 MR. ROTH: One of the members of the media had  
 2 asked me this morning to not videotape jurors' faces. I  
 3 said that was my understanding.  
 4 THE COURT: That's correct.  
 5 MR. ROTH: One, I would ask the Court to order  
 6 that now that everybody is present.  
 7 THE COURT: That is correct. There can be no  
 8 video, including by the media, of jurors' faces.  
 9 MR. ROTH: Thank you, Your Honor.  
 10 THE COURT: That reminded me of one other thing  
 11 but now I forgot it.  
 12 MR. ROTH: Juror numbers?  
 13 THE COURT: Oh, juror numbers. We'll use -- I  
 14 think we've talked about this before, but we will use  
 15 juror numbers in the selection process and try to refrain  
 16 from using names.  
 17 Any problem with that, Mr. Morley?  
 18 MR. MORLEY: No, sir.  
 19 THE COURT: Mr. Roth?  
 20 MR. ROTH: No, Your Honor.  
 21 THE COURT: Okay. All right. So we'll take a  
 22 few minutes then as the jurors assemble.  
 23 MR. ROTH: Thank you, Your Honor.  
 24 (At 9:05 a.m., recessed;  
 25 reconvened at 9:59 a.m.)

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1 THE COURT: All set, Mr. Adkins?  
 2 THE BAILIFF: Yes.  
 3 THE COURT: Mr. Roth, you all set?  
 4 MR. ROTH: Yes, Your Honor.  
 5 THE COURT: Mr. Morley?  
 6 MR. MORLEY: Yes, sir.  
 7 THE COURT: Okay. Let's bring the jurors in.  
 8 (At 10:00 a.m., the prospective  
 9 jurors entered the courtroom.)  
 10 THE COURT: All right. You may be seated,  
 11 those of you who have seats available.  
 12 Welcome, Ladies and Gentlemen. The first thing  
 13 we're going to do, before we do anything else, is we're  
 14 going to call the name of -- names of 14 jurors to come  
 15 up and be seated in the jury box. That way, we'll  
 16 alleviate the problem with the number of seats.  
 17 So when your name is called or if your name is  
 18 called, come right up to the jury box, and Mr. Adkins  
 19 will show you where to sit.  
 20 Ms. Milton, will you please call 14 jurors.  
 21 THE CLERK: Juror No. 1, Antoinette King-Short.  
 22 K-I-N-G - S-H-O-R-T.  
 23 Juror No. 2, Carol Kerr, K-E-R-R.  
 24 Juror No. 3, Clifton Brown, B-R-O-W-N.  
 25 Juror No. 4, Amanda Hastings, H-A-S-T-I-N-G-S.

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1 Juror No. 5, Mohammed Al-Hussaini, A-L -  
 2 H-U-S-S-A-I-N-I.  
 3 Juror No. 6, Debra Colister, C-O-L-I-S-T-E-R.  
 4 Juror No. 7, Patricia Pfeifer, P-F-E-I-F-E-R.  
 5 Juror No. 8, Judith Berry, B-E-R-R-Y.  
 6 Juror No. 9, Caitlin Colonnese,  
 7 C-O-L-O-N-N-E-S-E.  
 8 Juror No. 10, Subhash Gupta, G-U-P-T-A.  
 9 Juror No. 11, Gregory Molenda, M-O-L-E-N-D-A.  
 10 Juror No. 12, Bryan Carr, C-A-R-R.  
 11 Juror No. 13, Gina Priest, P-R-I-E-S-T.  
 12 And Juror No. 14, Janet Weinstein,  
 13 W-E-I-N-S-T-E-I-N.  
 14 THE COURT: Good morning, Ladies and Gentlemen.  
 15 I am Judge Jamo, and it is my pleasure and privilege to  
 16 welcome you to the 30th Circuit Court of Ingham County.  
 17 I know that jury duty may be a new experience for some of  
 18 you. Jury duty is one of the most serious duties that  
 19 members of a free society are asked to perform. Our  
 20 system of self-government could not exist without it.  
 21 The jury is ancient part of this court. The  
 22 right to a jury trial is an ancient tradition and part of  
 23 our heritage. The law says that both a person who is  
 24 accused of a crime and the prosecution have the right to  
 25 a trial not by one person but by a jury of 12 impartial

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persons.

Jurors must be as free as humanly possible from bias, prejudice, or sympathy for either side. Each side in a trial is entitled to jurors who keep open minds until the time comes to decide the case.

A trial begins with jury selection. The purpose of this process is to obtain information about you that will help us choose a fair and impartial jury to hear this case.

During jury selection, the lawyers and I will ask you questions. This is called the voir dire. The questions are meant to find out if you know anything about the case. Also, we need to find out if you have any opinions or personal experiences that might influence you for or against the Prosecution, the Defendant, or any witnesses. One or more of these things could cause you to be excused in this particular case even though you may otherwise be qualified to sit as a juror.

The questions may probe deeply into your attitudes, beliefs, and experiences. They are not meant to be an unreasonable prying into your private life. The law requires that we get this information so that an impartial jury can be chosen.

If you do not hear a question, you should say so. And the way you do that is you raise your hand and

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let me know. If you do -- if you do understand it, you should answer it truthfully and completely. Please do not hesitate to speak freely about anything you believe we should know.

Also I want to make one preliminary comment. As you can see, we have cameras in the courtroom. They are instructed and required not to take video of faces of any jurors. So just for you to understand, you're not going to be filmed and put on camera.

During jury selection, you may be excused from serving on the jury in one of two ways:

First, I may excuse you for cause; that is, I may decide that there is a valid reason why you cannot or should not serve in this case. Or, a lawyer from one side or another may excuse you without giving any reason for doing so. This is called a peremptory challenge. The law gives each side a right to excuse a certain number of jurors in this way. If you are excused, you should not feel bad or take it personally. As I explained before, there simply may be something that causes you to be excused from this particular case.

I'm now going to ask all of you, not just those seated in the jury box, but also those of you in the -- who are waiting in the audience, to stand and swear to answer truthfully, fully, and honestly all the questions

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that you'll be asked about your qualifications to serve as a juror in this case. If you have religious beliefs against taking an oath, you may affirm that you will answer all the questions truthfully, fully, and honestly.

Please raise your right hand. Here is your oath:

Do you solemnly swear or affirm that you will truthfully and completely answer all questions about your qualifications to serve as jurors in this case? If so, please say "I do."

THE PROSPECTIVE JURORS: I do.

THE COURT: All right. You may all be seated, please.

All right. First of all, for those of you who are not in the jury box, as I indicated, we called jurors into the box, and I will ask them specific questions, but the questions that we will ask and the instructions I'm going to give now, I want you all to please pay attention to because if you are called to replace one of the jurors who is seated in the jury box, we're going to ask you about your responses to the questions that we are presenting to those who are up here now.

First of all, I'd like to introduce to you the members of my staff. My court clerk, who just read off your names, is Ms. Kim Milton-Mackey. I'm still trying

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to get used to her hyphenated last name, which is recent, but Kim Milton is sitting here to my right.

My court reporter, who takes down everything that is said in the courtroom, seated to my left here is Ms. Melinda Dexter.

And my law clerk, who you met as you came through the door -- he is our law clerk and jury bailiff -- is Mr. Ryan Adkins seated over there near the jury box.

This is a criminal case involving the charges of police officer - fleeing and eluding in the first degree and operating while license suspended, revoked, or denied causing death, which I will explain more fully later. These charges have been made against the Defendant, who is John Coryell Kelsey II. The Defendant's lawyer is Brian Morley.

Mr. Morley, you may stand and introduce yourself and your client, sir.

MR. MORLEY: Thank you, Judge.

Good morning. I'm Brian Morley. I'm an attorney here in Lansing. This my client, John Kelsey.

THE COURT: Thank you, Mr. Morley.

The lawyer for the State of Michigan is Assistant Prosecuting Attorney Jonathan Roth.

Mr. Roth, you may stand and introduce yourself

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1 and the folks sitting at your table, please.  
 2 MR. ROTH: Thank you, Your Honor.  
 3 Good morning, Ladies and Gentlemen. As the  
 4 judge indicated, my name is Jonathan Roth. I'm from the  
 5 Ingham County Prosecutor's Office. Also seated at  
 6 counsel table is Michigan State Police Trooper Detective  
 7 Sergeant Kyle McPhee as well as Detective Trooper Troy  
 8 Johnston.  
 9 THE COURT: Thank you, Mr. Roth.  
 10 The witnesses who may be called in this case  
 11 are as follows. I'm going to read a list of witnesses.  
 12 They are -- this is a long list. I want everyone,  
 13 please, again, pay attention to the names because we're  
 14 going to ask you after I read the list -- first I'll ask  
 15 those in the jury box whether you know any of these  
 16 witnesses or think you may know any of them.  
 17 And then, again, those of you who are waiting  
 18 if you are called to replace one of the jurors, I'm going  
 19 to ask you the same question; whether you recognize the  
 20 name of any of these witnesses. This does not mean that  
 21 each and every one of these witnesses will be called  
 22 during the trial, but their names may be mentioned even  
 23 if they are not called. So we -- the lawyers and I will  
 24 need to know whether you may know any of these  
 25 individuals as follows:

1 Detective Sergeant Kyle McPhee, Detective  
 2 Trooper Troy Johnston, Sergeant Allan Avery, Lieutenant  
 3 Pat Lawrence, Detective Sergeant Robert Tomassi,  
 4 Detective Sergeant Lisa Gee-Cram, Trooper Les Rochefort,  
 5 Detective Sergeant Jeremy Brewer, Detective Sergeant  
 6 Shawn Tinkle, Detective Sergeant James Bundshuh.  
 7 Is that how you pronounce it?  
 8 MR. ROTH: Bundshuh.  
 9 THE COURT: Bundshuh. Okay. Bundshuh.  
 10 Detective Sergeant Scott Singleton, Sergeant John Faccio,  
 11 Trooper Dwight Denning, Detective Trooper Nicole  
 12 Hiserote, Special Sergeant Kevin Lucidi, Trooper Richard  
 13 Chaffee, Trooper David Williams, Trooper Matt Warzywak,  
 14 Trooper Andrew Adamczyk, Trooper Drew Spencer, Trooper  
 15 David Clark, Trooper Joseph Boggs, Trooper Cody Zonts,  
 16 Sergeant Kevin Beasley, Trooper Neil Holton, Detective  
 17 Sergeant Thomas DeClercq, Detective Sergeant Angela Hunt,  
 18 Detective Shawn Schrumf, Trooper René Gonzales, Detective  
 19 Sergeant James Young, Trooper James Moots, Trooper Lance  
 20 Tedora, Detective Sergeant Darren Green, Detective  
 21 Trooper Eric Byerly, Investigator Ken Hatfield, Detective  
 22 Sergeant Michael Peterson, Detective Sergeant Jeffery  
 23 Yonker, Detective Ryan Cramer, Detective Sergeant  
 24 Christopher Corriveau, Detective Trooper Timothy Olson,  
 25 Trooper Andrew Hayes, Trooper Christopher Phillips,

1 Trooper Christopher McIntosh, Trooper Brian Alexander,  
 2 Sergeant Charles Baker, Trooper Ellis, Trooper  
 3 Investigator Smith, Trooper Luke Beimers, Trooper Jeff  
 4 Frasier, Detective Rick Hoeksema, Sergeant Ted Harrison,  
 5 Sergeant Tim O'Neill, Major Joel Maatman, Sergeant James  
 6 Every, Brittany Torgorsen, Kathy Murray-Rice, Officer  
 7 Rich Girard, Detective John Bechinski, Corey Heath, Eric  
 8 Youngblood, Dr. Daniel Bouchard, Dr. Larry Ansari,  
 9 Dr. Patrick Walsh, Sandra Hale, Brian Hildabridle, Tony  
 10 Hildabridle, Amber Peek, Robyn Champion, Jonathan Yono,  
 11 Jackie Cox, Casey Guy, Shannon Gauthier, Justin  
 12 Montgomery, Anthony Wynn, Cheryl Johnson, Mike Baum, Jim  
 13 Carpenter, Frank Kelsey, Gary Topping, Michael Murdoch,  
 14 Bruce Stein, Kathryn Stein, Alexander Goryoka, Kevin  
 15 Sheena, Bryan Bahri, John Okoniewski, Shannon Samulak,  
 16 Jeremy Killinger, Bryan Cole, Eric Cedillo-Cole, Patrick  
 17 Cole, Andrew Craft, Sabrina Ware, Jason Stahl, Jessica  
 18 Carter, Lauri Brooks, Megan Cousins, Brenton Cunningham,  
 19 Howard Baum, Nicole Sweeney, Debra Williams, Jennifer  
 20 Ewald, Mary Uttermark, Brianna Owens, Brian Thompson,  
 21 John Coryell Kelsey II, Marcia McGarry, Leo Devine, Mark  
 22 Southwell, Ted Lorain, Charles Funk.  
 23 By a show of hands, does anyone in the jury box  
 24 know the Defendants I introduced -- the Defendant I  
 25 introduced in this case, Mr. Kelsey; the lawyers,

1 Mr. Morley, Mr. Roth; or any of the witnesses whose names  
 2 I just read? If so, you think you know any of those,  
 3 please raise your hand.  
 4 THE PROSPECTIVE JURY: (No response.)  
 5 THE COURT: Seeing no hands raised. We think  
 6 that this trial will last for two weeks. That's an  
 7 educated guess of some sort. I will tell you that it is  
 8 not always something that we can predict. This is our  
 9 best estimate, but based on what the lawyers believe  
 10 might occur in this case, what I have heard about the  
 11 case, and let me tell you a little bit about what that  
 12 schedule means because then I'm going to ask you, after I  
 13 explain to you the schedule, I'm going to ask you if  
 14 there is anything about the schedule that causes you a  
 15 real hardship.  
 16 Now, we realize that if you were to be seated  
 17 as a juror in this case, it's going to be an  
 18 inconvenience in the sense of your daily life and your  
 19 schedule. It's going to be different than what you do  
 20 day to day. It's going to cause you to have to probably  
 21 make some arrangements in your personal life, maybe in  
 22 your employment, maybe changing some appointments that  
 23 you have and so forth. Those are not the kinds of things  
 24 we're talking about. We're talking about something that  
 25 is a very major hardship; something that is a real



1 problem that we cannot get around.  
 2 The schedule is as follows: We will select the  
 3 jury today. That will take us quite a while, I believe.  
 4 Hopefully we'll get that done by 1 o'clock today. That's  
 5 the objective. We'll see how that goes. Then tomorrow,  
 6 if you are selected as a juror, you will not need to  
 7 report. Tomorrow is Wednesday, and Wednesday in Ingham  
 8 County Circuit Courts is what we call motion day. And  
 9 that means that we have a whole day scheduled of other  
 10 types of hearings, not jury trials.  
 11 So you will be off tomorrow, but then we'll  
 12 have you come back on Thursday. And the goal on Thursday  
 13 is for us to start at 8:30. So I'll ask you to report at  
 14 about 8:15 on Thursday. And then we will go until about  
 15 1 o'clock in the afternoon, and then you'll be released  
 16 for the remainder of the afternoon on Thursday. And  
 17 during that period of time, we'll take some breaks,  
 18 obviously, between 8:30 and 1 o'clock. But that's the  
 19 period of time that we anticipate we will have you here,  
 20 and then you'll go about your business.  
 21 Since we do run through what would normally be  
 22 your lunch hour, we allow you to bring some snacks in. I  
 23 bring some snacks in and put it in the jury room. There  
 24 is a refrigerator there that you can keep things to keep  
 25 refreshed during that period of time, but we'll go

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1 through until 1 o'clock and let you go without taking a  
 2 lunch break. We'll take some other short break.  
 3 On Friday it will be the same thing. You would  
 4 report about 8:15. Our goal would be to start trial  
 5 about 8:30, and then we'll go again until about  
 6 1 o'clock, and we'll do the same thing next week on  
 7 Monday and Tuesday and Thursday and Friday. Wednesday  
 8 you would not need to report, again, because that's a day  
 9 that we do other things here. We have other hearings in  
 10 the circuit court.  
 11 Our hope is we would have the case concluded by  
 12 next Friday, but it could go into the following week.  
 13 We'll know more when we get a little further into the  
 14 case, but that's about what we project will be the  
 15 schedule. Is there anybody who is seated in the jury box  
 16 who believes that that schedule, as I've outlined it to  
 17 you, will be a real hardship for you? If so, raise your  
 18 hand.  
 19 JUROR NO. 2: (Raising hand.)  
 20 JUROR NO. 8: (Raising hand.)  
 21 JUROR NO. 11: (Raising hand.)  
 22 THE COURT: Okay. Let's start with Juror No. 2  
 23 in the back.  
 24 Ma'am, what is the issue that you have?  
 25 JUROR NO. 2: I have a mother that is eighty

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1 three years old, and she depends on me a lot. She's  
 2 starting -- her health is failing bad, and she lives  
 3 three hours away. So when there is a call, I need to  
 4 leave.  
 5 THE COURT: Normally she has other people in  
 6 the area who are --  
 7 JUROR NO. 2: Yeah. I have one sister that is  
 8 in the area, yes, that's from my hometown.  
 9 THE COURT: All right.  
 10 Who else had their hand raised?  
 11 JUROR NO. 8: (Raising hand.)  
 12 JUROR NO. 11: (Raising hand.)  
 13 JUROR NO. 14: (Raising hand.)  
 14 THE COURT: Juror No. 8, ma'am?  
 15 JUROR NO. 8: I can't participate because I'm  
 16 on a plane on Monday, June 1st, and it is for work. And  
 17 all of the federal title grants are due for school  
 18 districts this month, and I'm helping the district with  
 19 those.  
 20 THE COURT: What is your work, ma'am?  
 21 JUROR NO. 8: I'm an education consultant,  
 22 private consultant, and one of my clients is in the state  
 23 of Washington, and they're depending on me to be there to  
 24 help write those federal title grants for the new year.  
 25 THE COURT: And when are the grant applications

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1 due?  
 2 JUROR NO. 8: They're due on June 30th, and I'm  
 3 to be there from June 1st through June 12th.  
 4 THE COURT: Other jurors who raised their hand  
 5 as far as a real hardship?  
 6 JUROR NO. 11: (Raising hand.)  
 7 THE COURT: Okay. Juror No. 11. That's you,  
 8 sir.  
 9 JUROR NO. 11: I have a -- I'm a special  
 10 education teacher, and I have a vacation planned for  
 11 right after school gets out. So two weeks from tomorrow.  
 12 It would also be difficult for my students for me to be  
 13 gone for two weeks.  
 14 THE COURT: What district do you teach in, sir?  
 15 JUROR NO. 11: Waverly.  
 16 THE COURT: Other jurors who raised their hand?  
 17 JUROR NO. 14: (Raising hand.)  
 18 THE COURT: Juror No. 14?  
 19 JUROR NO. 14: I'm in the process of moving out  
 20 of state. This -- the next three days of this week were  
 21 going to be my last days at the place that I worked for  
 22 the past 28 years. And the week -- the beginning of the  
 23 week after next is when I'm expected to be in the state  
 24 I'm moving to in Florida.  
 25 THE COURT: When you say expected to be there,

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1 you have travel plans, or what is your --  
2 JUROR NO. 14: Well, my lease will be up here,  
3 and I have will a lease that started there.  
4 THE COURT: Your lease ends here, when did you  
5 say?  
6 JUROR NO. 14: That's imprecise right now,  
7 but...  
8 That's a little bit more flexible. But,  
9 nonetheless, I'm expected to be there, and these are my  
10 last three days of employment here.  
11 THE COURT: Others? Did I miss someone?  
12 JUROR NO. 10: (Raising hand.)  
13 THE COURT: Juror No. 10? Sir, that's you,  
14 yep.  
15 JUROR NO. 10: I have an eighty-seven-year-old  
16 mother that I -- there are people who take care of her,  
17 but they do not speak English. I mean, they don't speak  
18 Hindi, and my mother does not speak English. I could  
19 attend if I'm allowed to keep my telephone on. Then if  
20 she falls, they call me, the fire and rescue. If they  
21 get an alert, they call. I'm the first caller because my  
22 wife doesn't speak Hindi either. So that's my hardship.  
23 THE COURT: So she has other people attend to  
24 her throughout the day, but you're on call for her?  
25 JUROR NO. 10: Yes.

1 THE COURT: All right. All right. We'll deal  
2 with that a little bit more in a second.  
3 Let me ask, first, some of you may have health  
4 problems that would prevent you from serving on a jury.  
5 For example, is there anyone who has a medical problem or  
6 condition that makes you unable to sit for a period of  
7 two or three hours at a time? We usually go about  
8 two hours or so before we take a break and let you go  
9 back to the jury room and get refreshed, but is there  
10 anybody who has that kind of an issue? If so, please  
11 raise your hand.  
12 THE PROSPECTIVE JURY: (No response.)  
13 THE COURT: Seeing no hands raised.  
14 Is there anyone who has a sight or a hearing  
15 problem that you think may interfere with you sitting as  
16 a juror?  
17 THE PROSPECTIVE JURY: (No response.)  
18 THE COURT: And I will tell you that what you  
19 need to be able to hear is about what you hear now with  
20 my speaking level. And also we have hearing assisted  
21 devices for anyone who may need that as well.  
22 And then what you would need to see would  
23 either be displayed on the monitors. The screens in  
24 front of you in the jury box, the same thing is displayed  
25 on this screen up here on the wall opposite the jury box,

1 and you may be shown something from the witness stand,  
2 which is here to my left or at the front of the bench  
3 here in that area. Those are the areas where something  
4 may be displayed to you.  
5 If it's a document, typically it would be put  
6 on the screen and you would be able to see it on the  
7 screen.  
8 But is there anyone who has a sight or a  
9 hearing problem that you think may cause you difficulty  
10 to be seated as a juror?  
11 THE PROSPECTIVE JURY: (No response.)  
12 THE COURT: All right. Seeing no hands raised.  
13 Could I see counsel at the bench, please?  
14 (At 10:28 a.m., an at-the-bench  
15 discussion is held off the  
16 record.)  
17 THE COURT: All right. Juror No. 8 and Juror  
18 No. 14, because of your particular employment situation,  
19 I'm going to excuse you for cause. And we will deal with  
20 -- those of you who also raised your hand as to other  
21 problems, we'll deal with that a little further as we get  
22 a little more into the process here. But for now, I'm  
23 going to excuse Juror No. 8 and Juror No. 14.  
24 You do have to call the juror hotline after  
25 5 p.m. tonight to see if there are further instructions

1 for you, however. But, other than that, thank you, very  
2 much. You're excused.  
3 (At 10:31 a.m., Juror No. 8 and  
4 Juror No. 14 stepped down from  
5 the jury box.)  
6 THE COURT: All right.  
7 Ms. Milton, will you please call replacements  
8 for Juror Seats 8 and 14.  
9 THE CLERK: Juror No. 8 is going to be Carl  
10 Nosal, N-O-S-A-L.  
11 And for Juror No. 14, it's going to be Garrett  
12 Greathouse, G-R-E-A-T-H-O-U-S-E.  
13 THE COURT: All right. Jurors No. 8 and 14 --  
14 First of all, we'll start with Juror No. 8 in  
15 terms of responding, but I'll ask you both the same  
16 thing. Based on the witness list that I read earlier and  
17 the attorneys I introduced, the folks at the table with  
18 Mr. Roth and Mr. Morley and his client, Mr. Kelsey,  
19 anybody -- either of you think that you know any of these  
20 individuals or any of the witness names that I read  
21 earlier?  
22 Juror No. 8? No?  
23 JUROR NO. 8: No.  
24 JUROR NO. 14: No.  
25 THE COURT: Juror No. 14, no.



<p>1 Then regarding the schedule that I outlined, is  2 there anything about the schedule as I have outlined it  3 to you that you think is a real hardship?  4 Either -- Juror No. 8 first?  5 JUROR NO. 8: No.  6 THE COURT: Juror No. 14?  7 JUROR NO. 14: No.  8 THE COURT: As far as health issues, are there  9 any health issues of the nature that I outlined that  10 would cause you difficulty sitting for a couple hours at  11 a time or problems with seeing or hearing that you think  12 might interfere with you being a juror?  13 Juror No. 8?  14 JUROR NO. 8: No.  15 THE COURT: Juror No. 14?  16 JUROR NO. 14: No.  17 THE COURT: All right. Thank you.  18 This is a criminal case. The paper used to  19 charge the Defendant with a crime is called an  20 Information. The Information in this case charges the  21 Defendant, John Coryell Kelsey II, with the crimes of  22 police officer - fleeing and eluding in the first degree,  23 and operating while license suspended, revoked, denied  24 causing injury and reads as follows:  25 The People of the State of Michigan versus</p> <p style="text-align: center;">35</p>	<p>1 257.904(4), and against the peace and dignity of the  2 State of Michigan.  3 The Defendant has pled not guilty to these  4 charges. You should clearly understand that the  5 Information I have just read is not evidence. An  6 Information is read in every criminal trial so that the  7 Defendant and jury can hear the charges. You must not  8 think it is evidence of his guilt or that he must be  9 guilty because he has been charged.  10 A person accused of a crime is presumed to be  11 innocent. This means that you must start with the  12 presumption that the Defendant is innocent. This  13 presumption continues throughout the trial and entitles  14 the Defendant to a verdict of not guilty unless you are  15 satisfied beyond a reasonable doubt that he is guilty.  16 Every crime is made up of parts called  17 elements. The prosecutor must prove each element of the  18 crime beyond a reasonable doubt. The Defendant is not  19 required to prove his innocence or to do anything. If  20 you find that the prosecutor has not proven every element  21 beyond a reasonable doubt, then you must find the  22 Defendant not guilty.  23 A reasonable doubt is a fair, honest doubt  24 growing out of the evidence or lack of evidence. It is  25 not merely an imaginary or possible doubt but a doubt</p> <p style="text-align: center;">37</p>
<p>1 John Coryell Kelsey II, State of Michigan, County of  2 Ingham, in the name of the People of the State of  3 Michigan, the Prosecuting Attorney for this County  4 appears before the Court and informs the Court that on or  5 about December 7th, 2014, at Stockbridge and/or  6 Stockbridge Township, Village -- or Village of  7 Stockbridge, Ingham County, the Defendant, in Count 1,  8 police officer - fleeing - first degree, being the  9 operator of a motor vehicle to whom was given a visual or  10 audible signal by hand, voice, emergency light, or siren  11 by Deputy Grant Whitaker and/or Deputy Rick Hoeksema, a  12 police officer who was in full uniform and the officer's  13 vehicle was identified as an official police vehicle,  14 acting in the lawful performance of his duty, directing  15 the Defendant to bring his motor vehicle to a stop, did  16 willfully fail to obey such direction by attempting to  17 flee or elude the officer, and the violation resulted in  18 the death of another person, to-wit: Deputy Grant  19 Whitaker, contrary to Michigan Compiled Laws 750.479a(5).  20 And in Count 2, operating while license  21 suspended, revoked, or denied causing death, did operate  22 a motor vehicle upon Dexter Trail, a highway, while his  23 or her operator's license was suspended or revoked, and  24 by the operation of that vehicle did cause the death of  25 Deputy Grant Whitaker, contrary to Michigan Compiled Laws</p> <p style="text-align: center;">36</p>	<p>1 based on reason and common sense. A reasonable doubt is  2 just that -- a doubt that is reasonable, after a careful  3 and considered examination of the facts and circumstances  4 in this case.  5 Now I'm going to ask those in the jury box to  6 respond to some specific questions that I have and then  7 after that, the attorneys will have an opportunity to ask  8 the questions as well. And the way you respond to my  9 questions is that if you have an answer that you want to  10 provide or you think you have some information that is  11 responsive to my question, then just raise your hand, and  12 I'll call on you one at a time to respond.  13 We need you to respond out loud with a yes or  14 no or some other statement because the court reporter,  15 Ms. Dexter, is taking down everything that is said.  16 And, once again, for those of you in the  17 audience, listen to the questions and think about what  18 your responses would be because if you're called into the  19 jury box as a replacement juror, we are going to ask you  20 these questions as well.  21 First of all, have any of you in the jury box  22 ever served as a juror before? Have you ever been seated  23 on a jury?  24 JUROR NO. 1: (Raising hand.)  25 JUROR NO. 3: (Raising hand.)</p> <p style="text-align: center;">38</p>

1 JUROR NO. 11: (Raising hand.)  
2 JUROR NO. 13: (Raising hand.)  
3 THE COURT: Okay. We have a couple of people.  
4 First of all, Juror No. 1, ma'am, what kind of  
5 a case was it? Was it a criminal case or a civil case?  
6 JUROR NO. 1: A civil, domestic violence.  
7 THE COURT: What was it?  
8 JUROR NO. 1: Domestic violence.  
9 THE COURT: Okay. But it was of a civil  
10 nature?  
11 JUROR NO. 1: No, I'm sorry. It was domestic  
12 violence.  
13 THE COURT: Okay. So the person was charged  
14 with a domestic violence crime?  
15 JUROR NO. 1: Yes, sir.  
16 THE COURT: All right. And about how long ago  
17 was this?  
18 JUROR NO. 1: Two years.  
19 THE COURT: And was it here in Ingham County?  
20 JUROR NO. 1: Yes, sir, it was.  
21 THE COURT: Okay. And without telling me the  
22 result, did the jury reach a verdict in that case?  
23 JUROR NO. 1: Yes, we did.  
24 THE COURT: All right.  
25 And then, I think, Juror No. 3, you had your

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1 hand up, sir?  
2 JUROR NO. 3: Yes.  
3 THE COURT: About how long ago did you sit on a  
4 jury?  
5 JUROR NO. 3: About ten years.  
6 THE COURT: And do you recall what kind of a  
7 case?  
8 JUROR NO. 3: It was criminal.  
9 THE COURT: And the nature of the charges, if  
10 you remember?  
11 JUROR NO. 3: Armed assault.  
12 THE COURT: And, again, without telling me the  
13 result, did the jury reach a verdict in that case?  
14 JUROR NO. 3: Yes, we did.  
15 THE COURT: All right.  
16 And then, I think, Juror No. 11, that you had  
17 your hand raised, sir.  
18 JUROR NO. 11: Yes.  
19 THE COURT: And about how long ago did you  
20 serve on a jury?  
21 JUROR NO. 11: I believe it was three years  
22 ago.  
23 THE COURT: Here in Ingham County?  
24 JUROR NO. 11: Yes.  
25 THE COURT: What kind of a case was it?

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1 JUROR NO. 11: Criminal.  
2 THE COURT: Do you remember the nature of the  
3 charges?  
4 JUROR NO. 11: Resisting arrest.  
5 THE COURT: And, again, without telling me the  
6 result, did the jury reach a verdict?  
7 JUROR NO. 11: Yes.  
8 THE COURT: All right.  
9 Anyone else who sat on a jury?  
10 JUROR NO. 13: (Raising hand.)  
11 THE COURT: Juror No. 13?  
12 JUROR NO. 13: Yes, I did.  
13 THE COURT: About how long ago?  
14 JUROR NO. 13: Over 20 years ago.  
15 THE COURT: All right. Was that in Ingham  
16 County or somewhere else?  
17 JUROR NO. 13: Eaton County.  
18 THE COURT: Do you remember the type of case?  
19 JUROR NO. 13: Yes. Probably -- it was  
20 probably criminal.  
21 THE COURT: What was the nature -- general  
22 nature of the crime, do you remember?  
23 JUROR NO. 13: Child abuse.  
24 THE COURT: All right. Again, without telling  
25 me the result, did the jury reach a verdict?

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1 JUROR NO. 13: Yes.  
2 THE COURT: Anyone else that I missed who has  
3 served as a juror previously?  
4 THE PROSPECTIVE JURY: (No response.)  
5 THE COURT: Is there anyone seated in the jury  
6 box who has ever been the victim of a crime? If so,  
7 raise your hand. Any type of a crime that you have been  
8 the victim of?  
9 JUROR NO. 14: (Raising hand.)  
10 THE COURT: Juror No. 14?  
11 JUROR NO. 14: Burglary.  
12 THE COURT: Okay. Was this of your house?  
13 JUROR NO. 14: Yes.  
14 THE COURT: And about how long ago was it?  
15 JUROR NO. 14: Probably ten years ago.  
16 THE COURT: And were there charges that were  
17 brought against anyone?  
18 JUROR NO. 14: No.  
19 THE COURT: Is there anyone else who has been  
20 the victim of a crime?  
21 JUROR NO. 4: (Raising hand.)  
22 THE COURT: Juror No. 4, what was the nature of  
23 the crime?  
24 JUROR NO. 4: When I was a child, I was  
25 attacked.

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1 THE COURT: All right. And was there any type  
2 of case that resulted in that or charge or anything?  
3 JUROR NO. 4: It went to trial, but it was  
4 dropped.  
5 THE COURT: All right. Did you have to testify  
6 in that case?  
7 JUROR NO. 4: I didn't take the stand because  
8 it was dropped before then.  
9 THE COURT: All right. Okay.  
10 Anyone else who has been the victim of a crime?  
11 THE PROSPECTIVE JURY: (No response.)  
12 THE COURT: Is there anyone in the jury box who  
13 has been accused of a crime, whether it went anywhere or  
14 not? Anybody who has been accused of a crime, raise your  
15 hand.  
16 JUROR NO. 12: (Raising hand.)  
17 THE COURT: Juror No. 12?  
18 JUROR NO. 12: Just a larceny.  
19 THE COURT: Okay. Did you say larceny?  
20 JUROR NO. 12: Yeah, stealing.  
21 THE COURT: All right. And about how long ago?  
22 JUROR NO. 12: Seven years.  
23 THE COURT: And was -- did that case go to  
24 trial?  
25 JUROR NO. 12: Hmm-mm.

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1 THE COURT: No? All right. Is there anything  
2 about your experience with that, that causes you to feel  
3 that you're biased for or against one side or the other  
4 in this case, as we start out, for the Prosecution or for  
5 the Defense, just based on your experience?  
6 JUROR NO. 12: No.  
7 THE COURT: Okay. Is there anyone else who has  
8 been accused of a crime in the past?  
9 THE PROSPECTIVE JURY: (No response.)  
10 THE COURT: Seeing no other hands raised.  
11 Is there anyone seated in the jury box who has  
12 been involved in law enforcement and either studied law  
13 enforcement or been a police officer or law enforcement  
14 officer of any type or who has a family member who is  
15 involved in law enforcement? If so, just raise your  
16 hand.  
17 JUROR NO. 4: (Raising hand.)  
18 JUROR NO. 11: (Raising hand.)  
19 THE COURT: Juror No. 4?  
20 JUROR NO. 4: My little brother just graduated  
21 the academy.  
22 THE COURT: Your brother did?  
23 JUROR NO. 4: Mm-hmm.  
24 THE COURT: Yes?  
25 JUROR NO. 4: Yes.

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1 THE COURT: Okay. And where -- what location  
2 geographically? Here locally or somewhere else?  
3 JUROR NO. 4: In Michigan but Macomb. He  
4 doesn't have a job with a force. So he's currently  
5 serving in security.  
6 THE COURT: All right. Okay.  
7 And, Juror No. 11?  
8 JUROR NO. 11: My father worked for the State  
9 Police as an accountant, and my mother was a court  
10 reporter.  
11 THE COURT: All right. And your father has  
12 retired from the State Police?  
13 JUROR NO. 11: He's past away.  
14 THE COURT: And do you know about how many  
15 years he worked there? Was it his entire career,  
16 essentially?  
17 JUROR NO. 11: Yes.  
18 THE COURT: Okay. And your mother has worked  
19 as a court reporter?  
20 JUROR NO. 11: Yes.  
21 THE COURT: What -- locally?  
22 JUROR NO. 11: Yes, 55th.  
23 THE COURT: All right. Does she still?  
24 JUROR NO. 11: No. She passed away as well.  
25 THE COURT: Okay. All right.

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1 Anyone else who either themselves or have  
2 family members who have been involved in some aspect of  
3 the law enforcement?  
4 JUROR NO. 13: (Raising hand.)  
5 THE COURT: Juror No. 13?  
6 JUROR NO. 13: Well, my husband worked for  
7 corrections.  
8 THE COURT: All right.  
9 JUROR NO. 13: He doesn't anymore, but he did  
10 for the city of Lansing.  
11 THE COURT: Okay. For about how long?  
12 JUROR NO. 13: Eighteen years.  
13 THE COURT: All right.  
14 And, Juror No. 14?  
15 JUROR NO. 14: I don't know how close a family.  
16 Cousins for East Lansing Police Department.  
17 THE COURT: You have cousins who are currently  
18 on the East Lansing police force?  
19 JUROR NO. 14: Yeah. Yep.  
20 THE COURT: And it sounds like it's a couple of  
21 cousins, is that right, or is there more than one?  
22 JUROR NO. 14: Well, no, it's a husband and  
23 wife. So it's not cousins. It's one cousin and --  
24 THE COURT: I see. I understand. And is there  
25 anything about that, having your cousin work for the East

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1 Lansing police force, that you believe causes you to come  
 2 into this case without knowing anything, other than what  
 3 I've told you about it so far, to be biased or prejudiced  
 4 or have leanings towards one side or the other?  
 5 JUROR NO. 14: No.  
 6 THE COURT: How about you, Juror No. 13?  
 7 Anything about your husband's experience that causes  
 8 you --  
 9 JUROR NO. 13: No.  
 10 THE COURT: -- to be biased for or against one  
 11 party or the other?  
 12 JUROR NO. 13: No.  
 13 THE COURT: No?  
 14 JUROR NO. 13: No.  
 15 THE COURT: Others that have law enforcement  
 16 connections; family members or who may have studied law  
 17 enforce?  
 18 JUROR NO. 7: (Raising hand.)  
 19 THE COURT: Juror No. 7?  
 20 JUROR NO. 7: I have a political science degree  
 21 with a criminal justice emphasis.  
 22 THE COURT: Okay.  
 23 JUROR NO. 7: That's about --  
 24 THE COURT: All right. So you studied criminal  
 25 justice?

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1 JUROR NO. 7: Yeah.  
 2 THE COURT: But have not worked in the criminal  
 3 justice or law enforcement area?  
 4 JUROR NO. 7: I've never worked for law  
 5 enforcement, no.  
 6 THE COURT: Okay. Have you used your criminal  
 7 justice degree in any respect in terms of employment?  
 8 JUROR NO. 7: For a short time I was paralegal  
 9 in the Lansing area, and then I went on to historical  
 10 research and other pursuits. It was just a short time.  
 11 THE COURT: Took a whole different track.  
 12 JUROR NO. 7: Yeah.  
 13 THE COURT: All right.  
 14 Anyone else who I missed?  
 15 THE PROSPECTIVE JURY: (No response.)  
 16 THE COURT: Sort of a related question, and I  
 17 guess some of you have kind of touched upon this already,  
 18 is there anybody seated in the jury box who has studied  
 19 law or been involved in the law profession or have family  
 20 members who are involved in the law profession, other  
 21 than what you have already indicated?  
 22 THE PROSPECTIVE JURY: (No response.)  
 23 THE COURT: Seeing no hands raised.  
 24 Okay. Is there anybody seated in the jury box  
 25 who has ever testified before in a case, any kind of

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1 litigation at all, whether it be criminal or civil  
 2 litigation?  
 3 JUROR NO. 10: (Raising hand.)  
 4 THE COURT: All right. Juror No. 10?  
 5 JUROR NO. 10: Medical related.  
 6 THE COURT: All right. You have had to provide  
 7 some medical expertise testimony, is that it?  
 8 JUROR NO. 10: Yes, and medical malpractice  
 9 also.  
 10 THE COURT: Okay. Are you a physician?  
 11 JUROR NO. 10: Yes.  
 12 THE COURT: All right. And so in the course of  
 13 your profession, you have had times when you have  
 14 testified?  
 15 JUROR NO. 10: Yes.  
 16 THE COURT: All right. And all of the cases  
 17 that you have testified in, would they have been civil  
 18 cases? You have not testified in any criminal cases, or  
 19 have you?  
 20 JUROR NO. 10: No, just civil.  
 21 THE COURT: All right. Okay. Thank you.  
 22 Mr. Roth, you may inquire.  
 23 MR. ROTH: Thank you, Your Honor.  
 24 Good morning, once again. My name is Jonathan  
 25 Roth. I'm from the prosecutor's office. I have a series

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1 of questions for you this morning to get to know each of  
 2 you a little bit better and make sure we have a fair  
 3 group for the Defendant, for the Court, and for the  
 4 People. The judge has already asked a lot of the  
 5 questions, so it will go a little bit faster.  
 6 For the jurors that indicated that they have  
 7 been jurors before, was I the prosecutor on any of those  
 8 cases? If so, raise your hand.  
 9 THE PROSPECTIVE JURY: (No response.)  
 10 MR. ROTH: No? Very good. Sort of related to  
 11 what the judge just asked, does anybody have any close  
 12 family members or friends that are attorneys or  
 13 themselves attorneys?  
 14 THE PROSPECTIVE JURY: (No response.)  
 15 MR. ROTH: No from the panel. Judge also  
 16 asked, and I want to broaden it just a little bit, I want  
 17 to talk about who's been involved in the criminal justice  
 18 system before.  
 19 Has anybody ever been charged with a crime in  
 20 any capacity, and that goes for big things down to things  
 21 -- drunk driving, a little more driving-related; things  
 22 like that?  
 23 THE PROSPECTIVE JURY: (No response.)  
 24 MR. ROTH: All right. That's a no from  
 25 everybody. I just want to follow up.

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1 Juror No. 12, was that in Ingham County?  
 2 JUROR NO. 12: No, it was not.  
 3 MR. ROTH: What county was it in?  
 4 JUROR NO. 12: It was in -- I think it was in  
 5 Battle Creek, Michigan.  
 6 MR. ROTH: All right. And did that result in a  
 7 conviction?  
 8 JUROR NO. 12: No.  
 9 MR. ROTH: Anything about that experience that  
 10 gives you any hesitation about being a juror?  
 11 JUROR NO. 12: No, sir.  
 12 MR. ROTH: All right. Police officers treated  
 13 you fair and the court system was fair?  
 14 JUROR NO. 12: Yes, sir.  
 15 MR. ROTH: Very good.  
 16 Judge asked if anybody has been a victim of a  
 17 crime. Again, I want to broaden it just a little bit.  
 18 Any close family members or friends that have  
 19 been victims of crimes?  
 20 JUROR NO. 1: (Raising hand.)  
 21 MR. ROTH: Juror No. 1, could you tell me a  
 22 little bit about that?  
 23 JUROR NO. 1: I witnessed my mother being  
 24 murdered when I was eight.  
 25 MR. ROTH: All right. I'm very sorry to hear

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1 about that. Is there anything about that, that makes you  
 2 uncomfortable about being a juror?  
 3 JUROR NO. 1: No.  
 4 MR. ROTH: Did the police become involved in  
 5 that, I would assume?  
 6 JUROR NO. 1: Yes.  
 7 MR. ROTH: Was there a charge, eventually?  
 8 JUROR NO. 1: Yes.  
 9 MR. ROTH: What county was that in?  
 10 JUROR NO. 1: That was in Genesee County.  
 11 MR. ROTH: All right. Anything about that  
 12 interaction with the police that gives you any strong  
 13 feelings that you think might be relevant?  
 14 JUROR NO. 1: No.  
 15 MR. ROTH: Very good.  
 16 The judge read to you the Information in this  
 17 case. The charges that are relevant, and what I want to  
 18 talk about, is if anybody has any knowledge or thinks  
 19 they have any knowledge of the case based on media  
 20 reports.  
 21 And, specifically, the Information that the  
 22 judge read charges or alleges that the Defendant was  
 23 involved in a police pursuit with the Ingham County  
 24 Sheriff Department deputies on December 7th, 2014, in  
 25 Stockbridge, and that Deputy Grant Whitaker died during

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1 that pursuit.  
 2 Does anyone believe they heard or read any  
 3 media coverage about this event?  
 4 JUROR NO. 1: (Raising hand.)  
 5 JUROR NO. 2: (Raising hand.)  
 6 JUROR NO. 4: (Raising hand.)  
 7 JUROR NO. 6: (Raising hand.)  
 8 JUROR NO. 7: (Raising hand.)  
 9 JUROR NO. 10: (Raising hand.)  
 10 JUROR NO. 11: (Raising hand.)  
 11 JUROR NO. 14: (Raising hand.)  
 12 MR. ROTH: We have got a few hands. We'll go  
 13 one by one.  
 14 Juror No. 1, are we talking about TV, print, or  
 15 both?  
 16 JUROR NO. 1: TV.  
 17 MR. ROTH: How many times do you think you have  
 18 seen an article or a story on TV about it?  
 19 JUROR NO. 1: I heard a blurb in the  
 20 background, News 10 or 10 o'clock news, as I was working.  
 21 MR. ROTH: All right. How long ago?  
 22 JUROR NO. 1: Wow, four or five months, maybe.  
 23 MR. ROTH: So closer to when it actually  
 24 happened?  
 25 JUROR NO. 1: Yes.

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1 MR. ROTH: Anything about that, that gives you  
 2 any bias or prejudice as a juror today?  
 3 JUROR NO. 1: No.  
 4 MR. ROTH: And based on what you heard or saw  
 5 in the media, do you have an opinion as to the facts of  
 6 this case as to what happened?  
 7 JUROR NO. 1: No. I don't know enough to have  
 8 an opinion about it.  
 9 MR. ROTH: And certainly no belief as to the  
 10 guilt or innocence of the Defendant?  
 11 JUROR NO. 1: No.  
 12 MR. ROTH: Very good.  
 13 Juror No. 2, did you raise your hand as well?  
 14 JUROR NO. 2: Yes, I did.  
 15 MR. ROTH: Print? TV? Both?  
 16 JUROR NO. 2: Both.  
 17 MR. ROTH: About how many articles or news  
 18 stories do you think you heard or read about it?  
 19 JUROR NO. 2: Probably three or four.  
 20 MR. ROTH: Closer to when it happened? Now?  
 21 Both?  
 22 JUROR NO. 2: When it happened.  
 23 MR. ROTH: And based on what you heard or saw,  
 24 read, do you have any opinion as to the facts of the  
 25 case?

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1 JUROR NO. 2: Yes, I do, because I am from  
2 Leslie. So Leslie and Stockbridge are close. And I run  
3 the McDonald's in Leslie. And my good friend runs the  
4 one in Stockbridge. Actually, I had to go over there to  
5 help them the day before the funeral. So I heard a lot  
6 of different things.  
7 MR. ROTH: So without getting into the content,  
8 you don't believe you'd be able to set aside all of those  
9 things and be a juror?  
10 JUROR NO. 2: It would be very hard for me.  
11 MR. ROTH: That's fair. I appreciate the  
12 honesty.  
13 All right. Moving forward.  
14 Juror No. 3, did you raise your hand?  
15 JUROR NO. 3: No, I didn't.  
16 MR. ROTH: All right.  
17 JUROR NO. 3: I probably heard something, but I  
18 don't remember it.  
19 MR. ROTH: So nothing specific that gives you  
20 any idea as to facts or opinions, bias; anything like  
21 that?  
22 JUROR NO. 3: No. I could not identify any  
23 version. Although I'm sure I did hear it.  
24 MR. ROTH: Very good.  
25 Juror No. 4, did you raise your hand?

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1 JUROR NO. 4: Mm-hmm.  
2 MR. ROTH: Is that a yes?  
3 JUROR NO. 4: Yes.  
4 MR. ROTH: All right. Print or TV?  
5 JUROR NO. 4: Print.  
6 MR. ROTH: About how many articles do you think  
7 you read about it?  
8 JUROR NO. 4: One.  
9 MR. ROTH: When it happened or closer to now?  
10 JUROR NO. 4: Closer to when it happened.  
11 MR. ROTH: Based on that article that you read,  
12 do you have any opinion about the facts of this case?  
13 JUROR NO. 4: No.  
14 MR. ROTH: Any opinion as to the guilt or  
15 innocence of the Defendant?  
16 JUROR NO. 4: No.  
17 MR. ROTH: Anything that you couldn't set aside  
18 completely when you make your decision as a juror?  
19 JUROR NO. 4: No.  
20 MR. ROTH: All right. Very good.  
21 Juror No. 5, did you raise your hand?  
22 JUROR NO. 5: No.  
23 MR. ROTH: Juror No. 6, I think your hand went  
24 up first.  
25 JUROR NO. 6: Mm-hmm.

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1 MR. ROTH: Is that a yes?  
2 JUROR NO. 6: Yes.  
3 MR. ROTH: Print or TV?  
4 JUROR NO. 6: Both.  
5 MR. ROTH: About how many?  
6 JUROR NO. 6: Probably five or six. I'm  
7 familiar with the area of Dansville and Dexter Trail, and  
8 it was --  
9 MR. ROTH: Five or six articles spread  
10 throughout the time or closer to when it happened?  
11 JUROR NO. 6: Spread throughout the time.  
12 MR. ROTH: Based on those fives or six  
13 articles, do you believe you have an opinion as to the  
14 facts of the case?  
15 JUROR NO. 6: No.  
16 MR. ROTH: Do you have any opinion as to the  
17 guilt or innocence of the Defendant?  
18 JUROR NO. 6: No.  
19 MR. ROTH: Is there anything in those articles  
20 that you wouldn't be able to set aside completely in  
21 acting as a juror?  
22 JUROR NO. 6: No.  
23 MR. ROTH: Very good.  
24 Juror No. 7?  
25 JUROR NO. 7: Yes?

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1 MR. ROTH: Did you raise your hand?  
2 JUROR NO. 7: I did.  
3 MR. ROTH: All right. How many articles,  
4 roughly -- articles or TV?  
5 JUROR NO. 7: TV this morning, which reminded  
6 me of jury duty. That's all I remember they said. I  
7 just heard they were going to call a jury, and I went,  
8 "Oh, my gosh. I'm on duty." And I quick called, and  
9 here I am. Oh, my gosh.  
10 MR. ROTH: Thank you for that. And then no  
11 other articles?  
12 JUROR NO. 7: No, no.  
13 MR. ROTH: All right. Anything about what you  
14 heard on the news this morning give you any opinion as to  
15 the facts of the case?  
16 JUROR NO. 7: None.  
17 MR. ROTH: And none to the guilt or innocence  
18 of the Defendant?  
19 JUROR NO. 7: No. I have no opinion.  
20 MR. ROTH: Very good.  
21 Juror No. 8, did you raise your hand as well?  
22 JUROR NO. 8: No.  
23 MR. ROTH: Juror No. 9?  
24 JUROR NO. 9: No.  
25 MR. ROTH: Juror 10? Yes?

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1 JUROR NO. 10: Yes. Both television and print  
 2 three or four times. And then just that week that a  
 3 patient from that area that went into some discussion and  
 4 knowledge and --  
 5 MR. ROTH: Okay.  
 6 JUROR NO. 10: So...  
 7 MR. ROTH: So not just media but some personal  
 8 interaction as well?  
 9 JUROR NO. 10: Yes.  
 10 MR. ROTH: Based on either the personal  
 11 interaction or the media, do you have any opinion as to  
 12 the facts of this case?  
 13 JUROR NO. 10: I -- a little bit of a bias.  
 14 MR. ROTH: Okay. And in that same way you have  
 15 some sort of bias or opinion as to the guilt or innocence  
 16 of the Defendant based on what you've heard before?  
 17 JUROR NO. 10: That's what I meant, I'm sorry.  
 18 MR. ROTH: Okay.  
 19 JUROR NO. 10: You know, we talk and we  
 20 discuss. It went into that it has to be this way.  
 21 MR. ROTH: Okay. And you wouldn't be able to  
 22 set aside all of those things in being a juror?  
 23 JUROR NO. 10: It has to be proven to -- yeah.  
 24 There's a bias. That's all. There is a bias.  
 25 MR. ROTH: Okay. Thank you, sir.

1 Juror No. 11, did you raise your hand?  
 2 JUROR NO. 11: Yes.  
 3 MR. ROTH: Print or TV?  
 4 JUROR NO. 11: Both.  
 5 MR. ROTH: About how many articles?  
 6 JUROR NO. 11: Three or four.  
 7 MR. ROTH: Closer to then or now?  
 8 JUROR NO. 11: Then.  
 9 MR. ROTH: Anything about the contents of those  
 10 articles or TV that would give you an opinion as to the  
 11 facts of the case?  
 12 JUROR NO. 11: No.  
 13 MR. ROTH: Any opinion as to the guilt or  
 14 innocence of the Defendant?  
 15 JUROR NO. 11: No.  
 16 MR. ROTH: Very good.  
 17 Juror No. 12? No?  
 18 JUROR NO. 12: No, sir.  
 19 MR. ROTH: Juror No. 13?  
 20 JUROR NO. 13: No.  
 21 MR. ROTH: Juror No. 14?  
 22 JUROR NO. 14: Yes.  
 23 MR. ROTH: All right. Print or TV?  
 24 JUROR NO. 14: Both.  
 25 MR. ROTH: About how many?

1 JUROR NO. 14: Three or four.  
 2 MR. ROTH: Closer to then or now?  
 3 JUROR NO. 14: Both.  
 4 MR. ROTH: And anything about the content of  
 5 those that would make you have an opinion as to the facts  
 6 of this case?  
 7 JUROR NO. 14: No.  
 8 MR. ROTH: Any opinion as to the guilt or  
 9 innocence of the Defendant?  
 10 JUROR NO. 14: No.  
 11 MR. ROTH: Obviously you have family in law  
 12 enforcement. Is it something that was ever discussed  
 13 with you --  
 14 JUROR NO. 14: No.  
 15 MR. ROTH: -- this case? Very good.  
 16 Related to that, does anybody have any strong  
 17 feelings, one way or the other, about law enforcement  
 18 officers? Bad experiences? Good experiences? Anything  
 19 that you think we should know about?  
 20 THE PROSPECTIVE JURY: (No response.)  
 21 MR. ROTH: That seems to be a no from the  
 22 panel.  
 23 Juror No. 1, what do you do for a living,  
 24 ma'am?  
 25 JUROR NO. 1: I'm a home health aid.

1 MR. ROTH: How long have you been doing that?  
 2 JUROR NO. 1: Oh, this will be year ten, and  
 3 previously before that was six -- er, about almost  
 4 15 years.  
 5 MR. ROTH: Enjoy it?  
 6 JUROR NO. 1: I do.  
 7 MR. ROTH: Very good. And you're able to get  
 8 away from that for a couple weeks, if necessary, for the  
 9 trial?  
 10 JUROR NO. 1: Yes.  
 11 MR. ROTH: Very good.  
 12 Juror No. 2, what do you do for a living?  
 13 JUROR NO. 2: I'm a general manager of the  
 14 McDonald's in Leslie.  
 15 MR. ROTH: That's right. I apologize. You  
 16 told me that. How long have you been doing that?  
 17 JUROR NO. 2: I've been doing that for  
 18 seven years now.  
 19 MR. ROTH: Enjoy it?  
 20 JUROR NO. 2: Very much so.  
 21 MR. ROTH: Very good. Day to day, what are  
 22 your responsibilities in that position?  
 23 JUROR NO. 2: My responsibility is to keep the  
 24 restaurant flowing. I have managers underneath me, but  
 25 I'm the prime one that has to take care of all of the

1 decisions that are made in the restaurant, keep control  
2 of labor, do truck orders.  
3 MR. ROTH: All right. So you're really at the  
4 top of the pyramid then.  
5 JUROR NO. 2: I'm at the top of the pyramid,  
6 yes.  
7 MR. ROTH: Very good.  
8 Juror No. 3, what do you do for a living, sir?  
9 JUROR NO. 3: I'm an electronic engineer. I  
10 also teach physics at LCC.  
11 MR. ROTH: How long have you been doing that?  
12 JUROR NO. 3: Teaching physics, about  
13 six years. Engineer my entire life.  
14 MR. ROTH: Very good. Enjoy it?  
15 JUROR NO. 3: Yes.  
16 MR. ROTH: Thank you.  
17 Juror No. 4, what do you do for a living,  
18 ma'am?  
19 JUROR NO. 4: I'm a cake decorator.  
20 MR. ROTH: For what bakery?  
21 JUROR NO. 4: Sam's Club.  
22 MR. ROTH: How long you been doing that?  
23 JUROR NO. 4: Less than -- well, about a month.  
24 MR. ROTH: I'm sorry?  
25 JUROR NO. 4: About a month, sir.

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1 MR. ROTH: All right. What did do you before  
2 that?  
3 JUROR NO. 4: I was working retail at Lowe's.  
4 MR. ROTH: Very good. How long did you do  
5 that?  
6 JUROR NO. 4: Three years.  
7 MR. ROTH: Which one do you prefer?  
8 JUROR NO. 4: Um, hard to say.  
9 MR. ROTH: All right.  
10 JUROR NO. 4: It's customer service either way.  
11 MR. ROTH: Very good.  
12 Juror No. 5, good morning, sir.  
13 JUROR NO. 5: Good morning.  
14 MR. ROTH: What do you do for a living?  
15 JUROR NO. 5: I'm a student at LCC.  
16 MR. ROTH: What are you studying?  
17 JUROR NO. 5: Pharmacy technician.  
18 MR. ROTH: What year are you in?  
19 JUROR NO. 5: I graduated in May this weekend.  
20 MR. ROTH: Very good. And you want to be a  
21 pharmacist, I assume, then?  
22 JUROR NO. 5: Hopefully.  
23 MR. ROTH: Okay. Very good. You're looking  
24 for work now?  
25 JUROR NO. 5: Yes, I am.

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1 MR. ROTH: Very good.  
2 Juror No. 6, good morning, ma'am.  
3 JUROR NO. 6: Good morning.  
4 MR. ROTH: What do you do for a living?  
5 JUROR NO. 6: I'm an equipment tracker.  
6 MR. ROTH: What does that mean?  
7 JUROR NO. 6: I work for a local refuse  
8 company. I schedule all of the maintenance and trucks  
9 and heavy equipment.  
10 MR. ROTH: How long have you been doing that?  
11 JUROR NO. 6: For 22 years.  
12 MR. ROTH: Enjoy it?  
13 JUROR NO. 6: Mm-hmm.  
14 MR. ROTH: Is that a yes?  
15 JUROR NO. 6: Yes.  
16 MR. ROTH: Very good.  
17 Juror No. 7, good morning.  
18 JUROR NO. 7: Good morning.  
19 MR. ROTH: What do you do for a living?  
20 JUROR NO. 7: I'm an operations coordinator at  
21 the Meijer Distribution Center here in Lansing, Grocery  
22 Building 86.  
23 MR. ROTH: You're not using that criminal  
24 justice degree. All right.  
25 JUROR NO. 7: No, I'm not. No, I was a

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1 short-timer.  
2 MR. ROTH: So you said initially, I think, a  
3 paralegal?  
4 JUROR NO. 7: Yes.  
5 MR. ROTH: All right. What firm was it that  
6 you were working for?  
7 JUROR NO. 7: I worked for Christopher Bratchi.  
8 MR. ROTH: All right. And anything about that  
9 time there, brief as it was, that would give you any bias  
10 or preconceived ideas about the law as a juror?  
11 JUROR NO. 7: No.  
12 MR. ROTH: You can set all that aside?  
13 JUROR NO. 7: Yes.  
14 MR. ROTH: Very good. And in your job now,  
15 what are your responsibilities day-to-day?  
16 JUROR NO. 7: I do inventory control,  
17 basically, and problem solving. You know, when people  
18 come, there a lot of problems from time to time, and we  
19 resolve issues with receiving and inventory.  
20 MR. ROTH: Very good. Enjoy it?  
21 JUROR NO. 7: I do. It's fun.  
22 MR. ROTH: Very good. And you're able to get  
23 away from it for a couple weeks, if you need to?  
24 JUROR NO. 7: Yeah.  
25 MR. ROTH: Very good.

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1 Juror No. 8, how you doing?  
2 JUROR NO. 8: I'm good. Thank you.  
3 MR. ROTH: What do you do for a living?  
4 JUROR NO. 8: I'm a painter.  
5 MR. ROTH: Residential or commercial?  
6 JUROR NO. 8: Little of both.  
7 MR. ROTH: Little of both. How long have you  
8 been doing that?  
9 JUROR NO. 8: About 18 years.  
10 MR. ROTH: Enjoy it?  
11 JUROR NO. 8: Yeah.  
12 MR. ROTH: For a company or for yourself?  
13 JUROR NO. 8: For myself.  
14 MR. ROTH: Juror No. 9, good morning.  
15 JUROR NO. 8: Hi.  
16 MR. ROTH: What do you do for a living?  
17 JUROR NO. 8: I'm a student.  
18 MR. ROTH: Where are you a student?  
19 JUROR NO. 8: Hope College.  
20 MR. ROTH: Home for the summer already?  
21 JUROR NO. 8: Yes.  
22 MR. ROTH: All right. What are you studying at  
23 Hope?  
24 JUROR NO. 8: Special ed.  
25 MR. ROTH: What year are you?

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1 JUROR NO. 8: I'm a freshman.  
2 MR. ROTH: What do you hope to do with that  
3 degree?  
4 JUROR NO. 8: Become a special ed teacher.  
5 MR. ROTH: Home for the summer. What are you  
6 doing for this summer?  
7 JUROR NO. 8: I'm watching my neighbor's  
8 four-month-old baby.  
9 MR. ROTH: Very good. You can get away from  
10 that for a couple weeks?  
11 JUROR NO. 8: Yes.  
12 MR. ROTH: Juror No. 10, you talked to us.  
13 You're a doctor. What kind of doctor?  
14 JUROR NO. 10: I do chronic pain management and  
15 anesthesiology.  
16 MR. ROTH: For what facility?  
17 JUROR NO. 10: Sparrow Hospital. I'm a private  
18 physician.  
19 MR. ROTH: How long have you done that?  
20 JUROR NO. 10: Twenty-five plus --  
21 MR. ROTH: Very good.  
22 JUROR NO. 10: -- years.  
23 MR. ROTH: Enjoy it?  
24 JUROR NO. 10: Very well.  
25 MR. ROTH: Thank you.

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1 Juror No. 11, you talked to us about what you  
2 do. How long have you been in that position as a  
3 teacher?  
4 JUROR NO. 11: Fifteen years.  
5 MR. ROTH: Always in the same capacity?  
6 JUROR NO. 11: Yes.  
7 MR. ROTH: Very good. Enjoy it?  
8 JUROR NO. 11: Absolutely.  
9 MR. ROTH: And you said Waverly School  
10 District. What school?  
11 JUROR NO. 11: Waverly East, fifth and sixth  
12 grade building.  
13 MR. ROTH: Very good.  
14 Juror No. 12, good morning, sir.  
15 JUROR NO. 12: Good morning.  
16 MR. ROTH: How are you?  
17 JUROR NO. 12: Very good.  
18 MR. ROTH: What do you do for a living?  
19 JUROR NO. 12: Engineer.  
20 MR. ROTH: For what facility?  
21 JUROR NO. 12: Michigan State University.  
22 MR. ROTH: What do you do there day-to-day?  
23 JUROR NO. 12: Mechanical engineering.  
24 MR. ROTH: All right. How long have you been  
25 doing that?

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1 JUROR NO. 12: Four years.  
2 MR. ROTH: Enjoy it?  
3 JUROR NO. 12: Yes, sir.  
4 MR. ROTH: Juror No. 13, good morning, ma'am.  
5 JUROR NO. 13: Good morning.  
6 MR. ROTH: What do you do for a living?  
7 JUROR NO. 13: I work for a private optical  
8 doctor.  
9 MR. ROTH: All right. For how long?  
10 JUROR NO. 13: Fourteen years.  
11 MR. ROTH: What specifically do you do there?  
12 JUROR NO. 13: I work front desk. So patient  
13 check-in --  
14 MR. ROTH: Okay. Very good.  
15 JUROR NO. 13: -- and money.  
16 MR. ROTH: Juror No. 14 --  
17 JUROR NO. 14: Engineer.  
18 MR. ROTH: -- what do you do for a living, sir?  
19 JUROR NO. 14: Engineering. R and D manager  
20 for Dart Container.  
21 MR. ROTH: For Dart Container. How long have  
22 you been doing that?  
23 JUROR NO. 14: Twenty years. Manager for the  
24 last six.  
25 MR. ROTH: As a manager, do you have -- still

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1 have engineering responsibilities, or is it more --  
2 JUROR NO. 14: I do have some oversight, Yes.  
3 MR. ROTH: Very good. Day-to-day, what are  
4 your responsibilities in that position?  
5 JUROR NO. 14: Approving projects. Personnel  
6 development.  
7 MR. ROTH: Okay.  
8 JUROR NO. 14: Approvals for acquisitions.  
9 MR. ROTH: All right. Very good.  
10 Does anybody watch TV shows like Law & Order,  
11 CSI; things like that?  
12 VARIOUS JURORS: (Raising hands.)  
13 MR. ROTH: We only have a few hands. All  
14 right.  
15 Juror No. 3, did you raise your hand? Do you  
16 watch any of those?  
17 JUROR NO. 3: I do not.  
18 MR. ROTH: You do not?  
19 JUROR NO. 3: I watch TV sporadically. I have  
20 watched those shows, but I don't have the time or  
21 interest to watch TV.  
22 MR. ROTH: You're familiar with what they are?  
23 JUROR NO. 3: Of course.  
24 MR. ROTH: All right. Do you have any  
25 expectation, based on what you have seen on TV and

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1 movies, not those shows specifically, about what it  
2 should look like in a courtroom? What the proceedings  
3 would be like?  
4 JUROR NO. 3: I have, obviously, seen TV shows  
5 of courtrooms. I have been a juror once before. So I  
6 have first-hand experience with that.  
7 MR. ROTH: In terms of the fictional stuff, the  
8 stuff from the movies and the TV shows, can you set aside  
9 any expectations you might have --  
10 JUROR NO. 3: Yes.  
11 MR. ROTH: -- based on those as an actual  
12 juror?  
13 JUROR NO. 3: Yes.  
14 MR. ROTH: Very good.  
15 Who else raised their hand to watching shows  
16 like that?  
17 JUROR NO. 7: I watch NCIS.  
18 MR. ROTH: All right. Juror No. 7, any  
19 expectations based on that about what evidence should be  
20 like? What police do? What a courtroom should be?  
21 JUROR NO. 7: Unless somebody in Ingham County  
22 had Abby's lab, no.  
23 MR. ROTH: All right. And that gets us to the  
24 point. There is a science in those shows that doesn't  
25 exist in real life.

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1 JUROR NO. 7: Right.  
2 MR. ROTH: And can you make that distinction in  
3 your mind about --  
4 JUROR NO. 7: Yes.  
5 MR. ROTH: -- science isn't right to that  
6 point?  
7 JUROR NO. 7: Yes.  
8 MR. ROTH: Does anybody have any expectations  
9 about what sort of science you're going see in a real  
10 courthouse or what the attorneys, the judge, or in  
11 general it should be like based on watching shows like  
12 that or anything else?  
13 THE PROSPECTIVE JURY: (No verbal response.)  
14 MR. ROTH: All right. That's a lot of no's.  
15 One of the most common things that come up in shows like  
16 that is, they don't have rules of evidence. So  
17 everything comes in, comes out. We get jurors that  
18 occasionally ask for a police report because they've seen  
19 it in TV, and as jurors in a real courtroom, you don't  
20 get to see the police report. Does everybody feel  
21 comfortable with that?  
22 THE PROSPECTIVE JURY: (No verbal response.)  
23 MR. ROTH: All right. I see a lot of nodding.  
24 That won't be an issue for anybody?  
25 THE PROSPECTIVE JURY: (No verbal response.)

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1 MR. ROTH: Very good. One of the other things  
2 that they throw around in those TV shows, is they say  
3 things like beyond a shadow of a doubt or beyond all  
4 doubt.  
5 Have you all heard those expressions before?  
6 THE PROSPECTIVE JURY: (No verbal response.)  
7 MR. ROTH: I see a lot of nodding.  
8 In real life, the judge is going to tell you  
9 that the burden is beyond a reasonable doubt. And he's  
10 going to define that for you as a fair and honest doubt  
11 growing out of the evidence. Not an imaginary doubt or a  
12 possible doubt but a doubt based on reason and common  
13 sense.  
14 Does everybody feel comfortable setting aside  
15 whatever we've heard on TV shows, movies, and using that  
16 instruction that the judge is going to give you of that  
17 specific burden?  
18 THE PROSPECTIVE JURY: (No verbal response.)  
19 MR. ROTH: Juror No. 9, you're nodding? Yes?  
20 JUROR NO. 9: (Nodding head, yes.)  
21 MR. ROTH: All right. Is that a yes?  
22 JUROR NO. 9: Wait. Me?  
23 MR. ROTH: Yes.  
24 JUROR NO. 9: Sorry. Say the question.  
25 MR. ROTH: All right.

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JUROR NO. 9: I'm sorry.

MR. ROTH: So TV shows throw around terms like beyond a shadow of a doubt, beyond all doubt. You've heard these before?

JUROR NO. 9: No.

MR. ROTH: Wonderful. The judge is going to tell you in a real courtroom the burden is beyond a reasonable doubt. He's going to define that for you and what that means. And that's how the People have to prove their case.

Do you feel comfortable holding the People and the police to that specific burden, what the judge is going to tell you, following the instructions the judge will give you?

JUROR NO. 9: I'm so confused, to be honest.

MR. ROTH: All right.

JUROR NO. 9: Sorry.

MR. ROTH: So in a courtroom --

JUROR NO. 9: Sorry.

MR. ROTH: That's okay. I'd rather you ask the question than not. So the People have to prove their case. The Defendant is presumed not guilty. We've heard that before, right?

JUROR NO. 9: Mm-hmm.

MR. ROTH: Is that a yes?

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JUROR NO. 9: Yes. Yes.

MR. ROTH: All right. So we have to prove that case to a certain level. And the judge is going to tell you that that level is beyond a reasonable doubt. He's going to tell you that a reasonable doubt is a fair and honest doubt growing of the evidence. Not an imaginary doubt or a possible doubt but a doubt based on reason and common sense.

Do you feel comfortable applying that instruction when you evaluate the evidence that we present to you?

JUROR NO. 9: I think so. I guess.

MR. ROTH: All right. What it boils down to is this: Can you set aside everything that happens outside those doors and listen to the instructions that the judge gives you?

JUROR NO. 9: Yeah.

MR. ROTH: Very good. That's all we can ask. Does everybody else agree with that?

THE PROSPECTIVE JURY: (No verbal response.)

MR. ROTH: Very good.

Who has children?

VARIOUS JURORS: (Raising hands.)

MR. ROTH: All right. Juror No. 11, how old?

JUROR NO. 11: Ten.

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MR. ROTH: Ten. Does your ten-year-old ever get in trouble with you?

JUROR NO. 11: He's a pretty good kid.

MR. ROTH: Ever?

JUROR NO. 11: Sure. Once in a while.

My students --

MR. ROTH: All right.

JUROR NO. 11: -- would be more likely an example.

MR. ROTH: Perfect. Students get in trouble with you?

JUROR NO. 11: Yes.

MR. ROTH: And in that capacity as a teacher, for other people as parents, when your children get in trouble with you, you're the judge, the jury, and the executioner. You decide what happened, who did it, and what the punishment is going to be.

As a juror, you have a very narrow responsibility. And the judge is going to tell you, you may not consider punishment. All you may consider is do the facts as presented satisfy the elements that he gives you.

Do you feel comfortable setting aside the idea of punishment completely? Can't talk about it. Can't guess what it would be. It should not factor in at all

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into your conversations. Do you feel comfortable with that?

JUROR NO. 11: Yes.

MR. ROTH: Juror No. 1, do you feel comfortable with that?

JUROR NO. 1: Yes.

MR. ROTH: Juror 8?

JUROR NO. 8: Yes.

MR. ROTH: Anybody that feels uncomfortable with that idea? Anybody that thinks "I'm going to think about punishment. I'm going to wonder about punishment"?

THE PROSPECTIVE JURY: (No verbal response.)

MR. ROTH: All right. That's a no from the panel.

And because I always miss something, is there anything else that any of you think we should know that would address your qualifications as a juror?

THE PROSPECTIVE JURY: (No verbal response.)

MR. ROTH: All right. I have nothing further. Thank you, Your Honor.

THE COURT: Thank you, Mr. Roth.

Mr. Morley, you may inquire of the jurors, sir.

MR. MORLEY: Thank you, Judge.

Ladies and Gentlemen, good morning. Again, I'm Brian Morley. I have -- I'm sure you figured it out, but

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1 in my opinion jury selection is a little overrated.  
 2 We're just trying to figure out who can be fair and  
 3 impartial jurors.  
 4 I think somebody that wants to be on a jury can  
 5 be on a jury. Somebody that doesn't want to be on a jury  
 6 isn't going to be on the jury.  
 7 With that said, is there anybody here who feels  
 8 they cannot sit in judgment of another person?  
 9 THE PROSPECTIVE JURY: (No verbal response.)  
 10 MR. MORLEY: Is there anybody here -- and this  
 11 is a loaded question, and I'm not being a smart aleck --  
 12 that truly doesn't want to be here today? Just does not  
 13 want to be on a jury?  
 14 JUROR NO. 9: (Raising hand.)  
 15 JUROR NO. 11: (Raising hand.)  
 16 MR. MORLEY: Would that affect, No. 9, your  
 17 ability to act as a juror? In other words, if this kept  
 18 going, Judge said two weeks but we end up going two and a  
 19 half, three weeks, four weeks -- none of us want that --  
 20 but if that happens, are you going to be, "Gosh. I just  
 21 want to be out of here. What vote do you need from me?"  
 22 JUROR NO. 9: No.  
 23 MR. MORLEY: Do you feel that you can -- you  
 24 have the intestinal fortitude, if you will, to say, "I  
 25 don't want to do this, but I've got to do it. It's my

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1 civic duty?"  
 2 JUROR NO. 9: Yeah.  
 3 MR. MORLEY: Don't let me put words in your  
 4 mouth. Are you comfortable with that statement?  
 5 JUROR NO. 9: Yeah.  
 6 MR. MORLEY: Okay.  
 7 11, same questions to you.  
 8 JUROR NO. 11: Honestly, the vacation planned  
 9 in two weeks, I would be worried about that.  
 10 MR. MORLEY: I understand that. And I think  
 11 that's going to be addressed later, but let me ask it  
 12 more broadly. If you got nothing going on this summer,  
 13 if your June is wide open, anything that prohibits you  
 14 from sitting here?  
 15 JUROR NO. 11: If my June was wide open, no,  
 16 nothing would.  
 17 MR. MORLEY: Anybody else have any strong --  
 18 nobody really wants to do what we don't have to do, but  
 19 we kind of have to do this. Is there anybody that has  
 20 strong feelings against being here today?  
 21 THE PROSPECTIVE JURY: (No verbal response.)  
 22 MR. MORLEY: Is there anybody has any technical  
 23 -- we got a couple engineers in the group, and I wouldn't  
 24 know what questions to ask you. My specific question is,  
 25 is there anybody that has any strong technical background

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1 in either computers, videos; anything like that?  
 2 JUROR NO. 3: (Raising hand.)  
 3 MR. MORLEY: Yes, sir?  
 4 JUROR NO. 3: I'm a computer engineer. I  
 5 design.  
 6 MR. MORLEY: That would be pretty spot on.  
 7 Like I said, I'm not sure I have a follow-up. But as a  
 8 computer engineer, educate me a little bit. It's your  
 9 job to teach -- this is part of your teaching  
 10 responsibilities?  
 11 JUROR NO. 3: I wear two hats. I'm an  
 12 electronic engineer currently under employed. I've been  
 13 teaching for the last six years in physics, renewable  
 14 energy; this kind of a thing.  
 15 As a design engineer, I create electronic  
 16 devices for the research industry.  
 17 MR. MORLEY: Okay.  
 18 JUROR NO. 3: Lasers, scanners, microscopes;  
 19 this kind of thing.  
 20 MR. MORLEY: Something that you've been doing.  
 21 This is just a natural growth of your --  
 22 JUROR NO. 3: It's my entire career.  
 23 MR. MORLEY: Okay. Thank you.  
 24 JUROR NO. 1: (Raising hand.)  
 25 MR. MORLEY: Yes, ma'am?

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1 JUROR NO. 1: I have an associate's in  
 2 electronic -- computer electronics, and I have actually  
 3 worked for him.  
 4 MR. MORLEY: Oh, no kidding?  
 5 JUROR NO. 1: Yes.  
 6 MR. MORLEY: Is he your teacher?  
 7 JUROR NO. 1: (Shaking Juror No. 3's hand.)  
 8 MR. MORLEY: Kind of a two-way moment there.  
 9 How long ago is your associate's?  
 10 JUROR NO. 1: Ten years ago.  
 11 MR. MORLEY: Broad question. It's going to  
 12 sound like I'm being a smart aleck, and I'm not. Why?  
 13 Why that area?  
 14 JUROR NO. 1: I love computer electronics.  
 15 Loved it.  
 16 MR. MORLEY: Okay.  
 17 I'd like to ask a couple quick follow-up's on  
 18 the media-related questions. And here is my broad  
 19 question. And I don't mean any disrespect to anybody,  
 20 but everybody here was asked whether you heard anything  
 21 about it. And we have six -- I think seven or eight  
 22 people that said they've heard anything about it.  
 23 But everybody said -- everybody but one said --  
 24 No. 10, you thought you'd have a little bit of  
 25 a bias.

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1           Everybody else said, "No. I haven't formed an  
2 opinion." I'm not accusing anybody of lying, but how do  
3 you not form an opinion, is my question?  
4           THE PROSPECTIVE JURY: (No verbal response.)  
5           MR. MORLEY: No. 7, you don't count because you  
6 just saw it this morning.  
7           No. 6, for example, you said you saw it five or  
8 six times. You're familiar with the area, but you don't  
9 have any opinion. See if I can ask this the right way.  
10          Is that just your personality? You just read  
11 it in the paper. It's just in one ear and out the other?  
12          JUROR NO. 6: So I'm a fact person. I need to  
13 have the facts before I can make an opinion.  
14          MR. MORLEY: And that's even in your day-to-day  
15 flipping through the State Journal kind of stuff?  
16          JUROR NO. 6: Mm-hmm.  
17          MR. MORLEY: And nothing in this case caused  
18 you to say, "Boy, I'd like to know more. Boy, my  
19 thoughts on this -- if I find this out or that out, I'm  
20 going to think this guy is a bad dude," or anything like  
21 that?  
22          JUROR NO. 6: No. Because there just wasn't  
23 enough facts.  
24          MR. MORLEY: Okay. Does that apply to  
25 everybody else?

1           THE PROSPECTIVE JURY: (No verbal response.)  
2           MR. MORLEY: Like I said, I'm not trying to  
3 pick on anybody.  
4           No. 2, you said you saw it three or four times?  
5           JUROR NO. 2: Yes, sir.  
6           MR. MORLEY: You seemed rather passionate about  
7 it. Seemed a little troubled by it.  
8           JUROR NO. 2: Yes, I was.  
9           MR. MORLEY: And --  
10          JUROR NO. 2: Like I said, I had -- I know  
11 Stockbridge well enough because I go there quite often to  
12 help the manager that runs the McDonald's. So when I'm  
13 there, I hear everything. So I've already formed --  
14          MR. MORLEY: Sure.  
15          Does anybody else need to -- and, again, I'm  
16 not -- if I read something, I'm an opinionated guy.  
17 That's why I'm a lawyer. If I look at something, I'm  
18 going to draw an opinion. Is there anybody else that  
19 needs to edit or modify an earlier answer?  
20          THE PROSPECTIVE JURY: (No verbal response.)  
21          MR. MORLEY: Is there anybody that says "I saw  
22 this on TV, or I read it in the paper. And I got to be  
23 honest, if that's true, you ain't got a prayer in my  
24 mind"?  
25          THE PROSPECTIVE JURY: (No verbal response.)

1           MR. MORLEY: Okay. I appreciate that.  
2           We asked about ties to law enforcement. Any  
3 ties --  
4           Like you brought up, ma'am.  
5           Any ties to the Stockbridge area?  
6           THE PROSPECTIVE JURY: (No verbal response.)  
7           MR. MORLEY: It's way out there. But does  
8 anybody get out that way; have a lot of friends or family  
9 members or acquaintances out there?  
10          THE PROSPECTIVE JURY: (No verbal response.)  
11          MR. MORLEY: Similar question with respect to  
12 law enforcement. I always joked that I think everybody  
13 knows a cop. We asked a lot of family members, things  
14 like that. Anybody got buddies that are the police?  
15          JUROR NO. 14: (Raising hand.)  
16          MR. MORLEY: Yes, sir?  
17          JUROR NO. 14: I've got friends.  
18          MR. MORLEY: Okay. Close friends? Drinking  
19 partners? Buddies?  
20          JUROR NO. 14: Yeah.  
21          MR. MORLEY: Okay.  
22          JUROR NO. 14: Not right now. I see them once  
23 or twice a month. That's about it.  
24          MR. MORLEY: All right. Guys that you grow up  
25 with or they became friends?

1           JUROR NO. 14: Grew up with.  
2           MR. MORLEY: Okay. Just kind of everybody got  
3 their jobs as they got older. Does that affect, in any  
4 way, your ability to sit here today, you think?  
5           JUROR NO. 14: No.  
6           MR. MORLEY: "No," or "I don't know"? I didn't  
7 hear you.  
8           JUROR NO. 14: No.  
9           MR. MORLEY: Okay.  
10          Again, I don't mean to single anybody out, but  
11 you had to fill out rather general biographical  
12 information.  
13          Juror No. 12 and Juror No. 13, both of you  
14 indicated that you or friends or family members were  
15 involved in some type of crash.  
16          No. 12, can you expound on that, please? And I  
17 don't need -- I don't need to get into your background.  
18 Recent? Was it you?  
19          JUROR NO. 12: It was me and one other.  
20          MR. MORLEY: How long ago?  
21          JUROR NO. 12: Yeah, 15 to 20 years ago.  
22          MR. MORLEY: Bad crash?  
23          JUROR NO. 12: It was pretty bad, yeah.  
24          MR. MORLEY: Your fault?  
25          JUROR NO. 12: No.



1 MR. MORLEY: Okay. You okay as you sit here  
2 today?  
3 JUROR NO. 12: Yes.  
4 MR. MORLEY: Does that affect your ability to  
5 -- we're going to hear about a crash in this case. Is  
6 that going to affect your ability to be fair and  
7 impartial?  
8 JUROR NO. 12: No, sir.  
9 MR. MORLEY: And, 13, same thing. I don't need  
10 to pry into your life anymore. That's one of the  
11 problems with jury selection. We've got to pry, in my  
12 opinion, more than I want to, but same series of  
13 questions. How recent?  
14 JUROR NO. 13: It wasn't me. It was my mother,  
15 and it was five years.  
16 MR. MORLEY: Bad facts?  
17 JUROR NO. 13: Yeah.  
18 MR. MORLEY: Mom okay?  
19 JUROR NO. 13: Mom's fine.  
20 MR. MORLEY: Okay. Anything that would affect  
21 your ability to operate -- er, excuse me, to sit as a  
22 juror?  
23 JUROR NO. 13: I don't think so.  
24 MR. MORLEY: I think that's all I have.  
25 Thank you.

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1 THE COURT: Can I see counsel at the bench,  
2 please?  
3 (At 11:16 a.m., an at-the-bench  
4 discussion is held off the  
5 record.)  
6 THE COURT: Ladies and Gentlemen, I need you to  
7 be quiet when we're talking at the bench because I can't  
8 hear what I'm trying to do up here when you start  
9 talking. I understand the temptation to talk while we're  
10 doing this, but please be quiet for a second.  
11 (At 11:17 a.m., an at-the-bench  
12 discussion is held off the  
13 record.)  
14 THE COURT: Juror No. 2, ma'am, I'm going to  
15 excuse you for cause. You still do need to call the  
16 juror hotline after 5 p.m. for further instruction, but  
17 you're excused for the day. Thank you, very much.  
18 (At 11:18 a.m., Juror No. 2  
19 stepped down from the jury box.)  
20 THE COURT: Same for Juror No. 10.  
21 Juror No. 10, I'm going to excuse you for cause  
22 as well. And, again, please call the juror hotline after  
23 5 p.m. tonight for further instruction. Thank you for  
24 coming in, sir.  
25 (At 11:19 a.m., Juror No. 10

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1 stepped down from the jury box.)  
2 THE COURT: Juror No. 11, sir, I'm going to  
3 excuse you as well for cause because of your scheduled  
4 vacation.  
5 JUROR NO. 11: Thank you.  
6 THE COURT: Please call the juror hotline after  
7 5 p.m., however, because I can't do anything about any  
8 other calls that you may have. Okay. Thank you, very  
9 much.  
10 (At 11:19 a.m., Juror No. 11  
11 stepped down from the jury box.)  
12 THE COURT: So, Ms. Milton, will you please  
13 call replacements for Seat No. 2 and then 10 and then 11.  
14 THE CLERK: Seat No. 2 is Trenten Davis,  
15 D-A-V-I-S. And that's Seat No. 2.  
16 Seat No. 10 is James Hatt, H-A-T-T. Seat  
17 No. 10.  
18 Seat No. 11 is Kimberly Hughes, H-U-G-H-E-S.  
19 Seat No. 11.  
20 THE COURT: All right. Before we go further,  
21 I'm going to ask just by a show of hands here, those in  
22 the jury box and those who are waiting, I know you were  
23 downstairs for quite a while and we brought you up here.  
24 You may have had a chance to use the restroom in between,  
25 but is there anyone who needs a restroom break before we

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1 move forward? This would probably be an opportune time.  
2 VARIOUS JURORS: (Raising hands.)  
3 THE COURT: I see a few hands raised. Before  
4 you walk out, let me tell you how we're going to do this.  
5 Everyone will be asked to leave the courtroom. So even  
6 if you do not need to use the restroom or stretch or  
7 anything, you still will need to leave the courtroom, all  
8 of you who are potential jurors, and we will bring you  
9 back in the courtroom all at the same time.  
10 Now, while you are out in the hall taking a  
11 break, I need to make sure that you do not speak with one  
12 another about the case. This isn't the time now to start  
13 talking about the case or what you may or may not think  
14 you know about the case based upon anything you have  
15 heard. So do not talk about the case.  
16 The other thing is that if you see anybody  
17 involved with this case, the lawyers, the individuals  
18 sitting at counsel table, anybody involved with the case,  
19 if you see them in the hallway, you are not to talk with  
20 them at all. And they are -- the lawyers are instructed  
21 to completely ignore you. So they're going to walk by  
22 you as if you're not even there. They're not being rude.  
23 They're instructed to do that because we can't have even  
24 the appearance that there is some communication between  
25 potential jurors and the attorneys.

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1 So with that, you can all go out and take a  
2 break. We'll let you know to come back into the room.  
3 Those of you in the jury box, you can leave  
4 things there, if you like.  
5 (At 11:22 a.m., the prospective  
6 jurors left the courtroom.)  
7 THE COURT: We'll take about ten, folks.  
8 MR. MORLEY: Thank you, Judge.  
9 MR. ROTH: Thank you, Judge.  
10 (At 11:23 a.m., recessed;  
11 reconvened at 11:36 a.m.)  
12 THE COURT: Mr. Roth and Mr. Morley, are we  
13 ready for the jurors come back in?  
14 MR. ROTH: We are, Your Honor.  
15 MR. MORLEY: Yes, sir.  
16 THE COURT: All right.  
17 (At 11:38 a.m., the prospective  
18 jury panel entered the  
19 courtroom.)  
20 THE COURT: All right. Please be seated.  
21 Okay.  
22 Juror No. 2, let's start with you, sir. Did  
23 you hear all of the questions that were asked earlier?  
24 JUROR NO. 2: Yes.  
25 THE COURT: Were there any that you can think

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1 of that you would have raised your hand and responded to?  
2 JUROR NO. 2: No.  
3 THE COURT: Did you recognize the names of any  
4 of the witnesses I read when I read that list?  
5 JUROR NO. 2: No.  
6 THE COURT: Do you recognize either the faces  
7 or names of any of the participants in the trial, the  
8 attorneys, the folks sitting at counsel table, the  
9 Defendant?  
10 JUROR NO. 2: No.  
11 THE COURT: No?  
12 JUROR NO. 2: No.  
13 THE COURT: Same question for you, Juror  
14 No. 10. Did you recognize the names of any of the  
15 witnesses?  
16 JUROR NO. 11: Yes, Your Honor.  
17 THE COURT: Right next to you. You're 11.  
18 It's hard. You'll learn.  
19 JUROR NO. 11: It is.  
20 THE COURT: We need numbers --  
21 JUROR NO. 11: We need them on here.  
22 THE COURT: We need them on the outside and the  
23 inside of the jury box. That's a good idea.  
24 Juror No. 10, did you recognize any of the  
25 names of the people whose names were read?

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1 JUROR NO. 10: No.  
2 THE COURT: And were there any of the questions  
3 that were asked, either by myself or the attorneys, that  
4 you can think of you would have raised your hand and  
5 responded to?  
6 JUROR NO. 10: No. None.  
7 THE COURT: Juror No. 11, same questions.  
8 JUROR NO. 11: Yes, Your Honor. I do recognize  
9 at least one of the names.  
10 THE COURT: All right. And which is that?  
11 JUROR NO. 11: Joel Maatman.  
12 THE COURT: All right. And where do you think  
13 you recognize that name from? Is it somebody you  
14 personally know or just have heard the name?  
15 JUROR NO. 11: I knew -- I know him through  
16 work and through my spouse.  
17 THE COURT: What is your work?  
18 JUROR NO. 11: I work for Ingham County Friend  
19 of the Court.  
20 THE COURT: All right. And what does your  
21 spouse do?  
22 JUROR NO. 11: My husband is the facilities  
23 manager at the sheriff's department.  
24 THE COURT: Okay. All right.  
25 What about --

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1 I'll let the attorneys follow up on that.  
2 What about the schedule as I had indicated to  
3 you in our best estimate of the length of the trial and  
4 when you were asked to report?  
5 Juror No. 2, does that cause any real hardship  
6 for you?  
7 JUROR NO. 2: No.  
8 THE COURT: Juror No. 10, how about you?  
9 JUROR NO. 10: No, sir.  
10 THE COURT: Juror No. 11?  
11 JUROR NO. 11: No, sir.  
12 THE COURT: And then health concerns. Anyone  
13 have any health concerns about sitting on this trial as  
14 I've outlined it earlier?  
15 Juror No. 2?  
16 JUROR NO. 2: No.  
17 THE COURT: No. 10?  
18 JUROR NO. 10: Nope.  
19 THE COURT: No. 11?  
20 JUROR NO. 11: No, sir.  
21 THE COURT: All right.  
22 Juror No. 2, have you ever served on a jury  
23 before?  
24 JUROR NO. 2: Yes.  
25 THE COURT: About how long ago?

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1 JUROR NO. 2: A couple years ago.  
 2 THE COURT: What was the nature of the case?  
 3 JUROR NO. 2: I believe it was criminal. I'm  
 4 not real sure. It was check fraud.  
 5 THE COURT: All right. And without telling me  
 6 the result, did the jury reach a verdict?  
 7 JUROR NO. 2: Yes.  
 8 THE COURT: And Juror No. 10, have you sat on a  
 9 jury before?  
 10 JUROR NO. 10: No.  
 11 THE COURT: Juror No. 11, ever sat on a jury?  
 12 JUROR NO. 11: Yes, sir.  
 13 THE COURT: About how long ago?  
 14 JUROR NO. 11: At least 15 years ago, I think.  
 15 THE COURT: All right. Here in Ingham County?  
 16 JUROR NO. 11: Yes, sir.  
 17 THE COURT: And was it a criminal case or  
 18 civil?  
 19 JUROR NO. 11: I believe it was criminal. Car  
 20 accident.  
 21 THE COURT: Okay. And did the jury reach a  
 22 verdict?  
 23 JUROR NO. 11: Yes, sir.  
 24 THE COURT: And Juror No. 11, you have already  
 25 responded to this.

1 But, Juror No. 10, anybody in your family  
 2 involved in law enforcement, or have you been involved in  
 3 law enforcement?  
 4 JUROR NO. 10: No.  
 5 THE COURT: What about the practice of law or  
 6 anything having to do with the legal profession or the  
 7 study of law?  
 8 JUROR NO. 10: No. I'm an IT guy.  
 9 THE COURT: Yeah? That's, in some respects,  
 10 the opposite of the practice of law.  
 11 Juror No. 2, how about you? Anybody in the  
 12 family involved in law enforcement?  
 13 JUROR NO. 2: Just my cousin, but he doesn't  
 14 tell me anything.  
 15 THE COURT: Okay. And where is your cousin  
 16 involved in the law enforcement?  
 17 JUROR NO. 2: Lansing Police Department.  
 18 THE COURT: All right. And what about the  
 19 legal profession, as far as study of law, practice of  
 20 law?  
 21 JUROR NO. 2: No.  
 22 THE COURT: Nothing like that. All right.  
 23 Have any of the three of you -- we'll start  
 24 with Juror No. 2 -- been the victim of a crime?  
 25 JUROR NO. 2: No.

1 THE COURT: 10?  
 2 JUROR NO. 10: No.  
 3 THE COURT: 11?  
 4 JUROR NO. 11: No, sir.  
 5 THE COURT: Accused of a crime?  
 6 11?  
 7 JUROR NO. 11: No, sir.  
 8 THE COURT: 10?  
 9 JUROR NO. 10: No.  
 10 THE COURT: 2?  
 11 JUROR NO. 2: No.  
 12 THE COURT: Mr. Roth?  
 13 MR. ROTH: Thank you, Your Honor.  
 14 Good morning, Ladies and Gentlemen.  
 15 JUROR NO. 11: Morning.  
 16 MR. ROTH: I'm not going to run through all of  
 17 our questions again. I'm just going to ask a few follow-  
 18 up.  
 19 Juror No. 2, when you were a juror the last  
 20 time, I was not the prosecutor, correct?  
 21 JUROR NO. 2: No.  
 22 MR. ROTH: Very good.  
 23 All right. So to all of you, 2, 10, and 11,  
 24 you heard the information about this case that may or may  
 25 not -- that you may or may not have read in the media.

1 Does that ring a bell with any of the three of you?  
 2 JUROR NO. 2: (Raising hand.)  
 3 MR. ROTH: Something you read about,  
 4 Juror No. 2?  
 5 JUROR NO. 2: Just TV.  
 6 MR. ROTH: TV?  
 7 JUROR NO. 2: TV.  
 8 MR. ROTH: All right. How recently?  
 9 JUROR NO. 2: Probably more when it happened.  
 10 MR. ROTH: Okay. Anything about that, that  
 11 would lead you to decide any facts about the case?  
 12 JUROR NO. 2: No.  
 13 MR. ROTH: No bias for or against?  
 14 JUROR NO. 2: (No verbal response.)  
 15 MR. ROTH: Very good.  
 16 Juror No. 10?  
 17 JUROR NO. 10: Just TV when the accident  
 18 happened.  
 19 MR. ROTH: So back in December?  
 20 JUROR NO. 10: Yeah.  
 21 MR. ROTH: Anything about that, that would lead  
 22 you to decide any facts of the case?  
 23 JUROR NO. 10: No.  
 24 MR. ROTH: Any preconceived ideas about the  
 25 Defendant's guilt or innocence?



1 JUROR NO. 10: No.  
 2 MR. ROTH: Anything that you couldn't set  
 3 aside?  
 4 JUROR NO. 10: No.  
 5 MR. ROTH: Very good.  
 6 Juror No. 11, have you read about it, seen it  
 7 on TV?  
 8 JUROR NO. 11: Yes, sir. I've read it.  
 9 MR. ROTH: About how many articles, do you  
 10 think?  
 11 JUROR NO. 11: Three or four articles.  
 12 MR. ROTH: Anything about those articles that  
 13 would lead you to decide any facts of the case?  
 14 JUROR NO. 11: No, sir.  
 15 MR. ROTH: Any idea, preconceived, as you walk  
 16 in today about the Defendant's guilt or innocence?  
 17 JUROR NO. 11: No, sir.  
 18 MR. ROTH: Very good.  
 19 Does anybody have any strong feelings about  
 20 police officers either through personal interactions,  
 21 prior contact with the police, media; anything like that?  
 22 Juror No. 2?  
 23 JUROR NO. 2: No.  
 24 MR. ROTH: No.  
 25 Juror No. 10?

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1 JUROR NO. 10: No.  
 2 MR. ROTH: Juror No. 11?  
 3 JUROR NO. 11: I have a heart felt --  
 4 MR. ROTH: I'm sorry?  
 5 JUROR NO. 11: I have a heart felt for most  
 6 police officers. I have some in the family.  
 7 MR. ROTH: So let's follow up on that.  
 8 Specifically you have strong connections to the sheriff's  
 9 department. Do you feel that you could be fair and  
 10 impartial in this case based on that?  
 11 JUROR NO. 11: Yes, sir.  
 12 MR. ROTH: Okay. There is nothing about  
 13 personal relationship, your husband's work at the  
 14 sheriff's department that would lead you to have a bias  
 15 for or against one party or the other?  
 16 JUROR NO. 11: No, sir.  
 17 MR. ROTH: Very good. And your -- when I asked  
 18 about strong feelings about police officers, whatever  
 19 those are, you could set those aside as well?  
 20 JUROR NO. 11: Yes, sir.  
 21 MR. ROTH: Very good.  
 22 Juror No. 2, what do you do for a living, sir?  
 23 JUROR NO. 2: I'm an apprentice mechanic.  
 24 MR. ROTH: How long have you been doing that?  
 25 JUROR NO. 2: Almost a year.

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1 MR. ROTH: What did you do before that?  
 2 JUROR NO. 2: I worked at a warehouse for GM.  
 3 MR. ROTH: For how long?  
 4 JUROR NO. 2: Six years.  
 5 MR. ROTH: What did you do at the warehouse?  
 6 JUROR NO. 2: I was a team lead. I basically  
 7 would run operations for a supervisor. Like, had  
 8 assigned people duties to different docks and anything of  
 9 that nature.  
 10 MR. ROTH: And you prefer this now as an  
 11 apprentice mechanic?  
 12 JUROR NO. 2: It has its moment.  
 13 MR. ROTH: Okay. You would like to be a  
 14 mechanic ultimately?  
 15 JUROR NO. 2: Yeah.  
 16 MR. ROTH: Very good.  
 17 Juror No. 10, IT?  
 18 JUROR NO. 10: IT server administrator, yes.  
 19 MR. ROTH: For what facility? What company?  
 20 JUROR NO. 10: Consumers Mutual Insurance in  
 21 East Lansing.  
 22 MR. ROTH: Day-to-day, what are your  
 23 responsibilities there?  
 24 JUROR NO. 10: To surf the internet until  
 25 something breaks.

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1 MR. ROTH: All right.  
 2 JUROR NO. 10: When the e-mail stops, or  
 3 whatever, then the phone starts ringing.  
 4 MR. ROTH: How long have you been doing that?  
 5 JUROR NO. 10: 25 years.  
 6 MR. ROTH: Very good. Enjoy it?  
 7 JUROR NO. 10: Yeah.  
 8 MR. ROTH: Very good.  
 9 Juror No. 11, what do you do for a living?  
 10 JUROR NO. 11: I work for Ingham County Friend  
 11 of the Court.  
 12 MR. ROTH: That's right. I apologize. How  
 13 long have you been doing that?  
 14 JUROR NO. 11: Fifteen years.  
 15 MR. ROTH: Day-to-day, what are your  
 16 responsibilities there?  
 17 JUROR NO. 11: I'm a senior case examiner. So  
 18 I'm, like, a lead employee. Tuesday and Thursdays I  
 19 conduct pre show cause hearings.  
 20 MR. ROTH: There is some contact, as I  
 21 understand it, with the prosecutor's office. Never with  
 22 me personally, correct?  
 23 JUROR NO. 11: No, never.  
 24 MR. ROTH: All right. And nothing about that  
 25 relationship that would make you uncomfortable being a

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1 juror?  
2 JUROR NO. 11: No, sir.  
3 MR. ROTH: Very good.  
4 I have nothing further, Your Honor. Thank you.  
5 THE COURT: Thank you, Mr. Roth.  
6 Mr. Morley, you may inquire.  
7 MR. MORLEY: Thank you, Judge.  
8 Juror No. 11, you work in this building --  
9 JUROR NO. 11: Yes.  
10 MR. MORLEY: -- don't you?  
11 JUROR NO. 11: That's correct.  
12 MR. MORLEY: Are you friends or acquaintances  
13 with the judge or people at the prosecutor's office?  
14 JUROR NO. 11: Sally Auer in the past when we  
15 were in the same union. Other than that, I don't know.  
16 I never socialize with them after hours. I know who she  
17 is.  
18 MR. MORLEY: With respect to your husband's  
19 employment, do you socialize with the Ingham County  
20 Sheriff or other law enforcement?  
21 JUROR NO. 11: No, sir.  
22 MR. MORLEY: No Christmas parties; anything  
23 like that?  
24 JUROR NO. 11: No.  
25 MR. MORLEY: Could you, Juror No. 10, educate

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1 me briefly on IT? You surf the Internet, but is there a  
2 specialty that you have? Again, it would be over my  
3 head, but...  
4 JUROR NO. 11: It's e-mail, the fire wall; that  
5 type of thing.  
6 MR. MORLEY: Okay. Any other questions that I  
7 asked earlier 2, 10, or 11, that need to be updated or  
8 responded to?  
9 JUROR NO. 10: No.  
10 JUROR NO. 11: No, sir.  
11 JUROR NO. 2: (No verbal response.)  
12 MR. MORLEY: That's all I have. Thank you.  
13 THE COURT: Thank you, Mr. Morley.  
14 Mr. Roth, any challenges for cause?  
15 MR. ROTH: None for cause, Your Honor.  
16 THE COURT: Mr. Morley, challenges for cause?  
17 MR. MORLEY: No, sir.  
18 THE COURT: Mr. Roth, peremptory challenge?  
19 MR. ROTH: People thank and excuse Juror No. 4.  
20 THE COURT: Juror No. 4, you are excused,  
21 ma'am. You -- please -- I'll ask you to please call the  
22 juror hotline after 5 p.m., however, for further  
23 instructions. So you're excused for the day. Thank you,  
24 very much.  
25 (At 11:48 a.m., Juror No. 4

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1 stepped down from the jury box.)  
2 THE COURT: Ms. Milton, a replacement for Seat  
3 No. 4.  
4 THE CLERK: Juror No. 4 is going to be Colleen  
5 Deatsman-Kelley, D-E-A-T-S-M-A-N - K-E-L-L-E-Y.  
6 THE COURT: Good morning, ma'am.  
7 JUROR NO. 4: Good morning.  
8 THE COURT: It's still morning. It's close.  
9 Did you hear all of the questions we asked  
10 earlier?  
11 JUROR NO. 4: Yes, I did.  
12 THE COURT: And are there any that you would  
13 have raised your hand and responded to?  
14 JUROR NO. 4: I have allergy-induced asthma  
15 that's pretty well under control, but just, anyway, if it  
16 comes up, it's --  
17 THE COURT: All right.  
18 JUROR NO. 4: -- I have medication for it.  
19 So...  
20 THE COURT: It's a bad time of year.  
21 JUROR NO. 4: It is. It is. Yeah.  
22 THE COURT: Okay. So that's the health issue  
23 that may cause you some difficulty, but no other health  
24 issues?  
25 JUROR NO. 4: No.

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1 THE COURT: Do you think that will interfere?  
2 JUROR NO. 4: No. No, sir.  
3 THE COURT: What about the schedule that I  
4 outlined? Anything about the schedule that would cause  
5 you any real hardship?  
6 JUROR NO. 4: We're planned to go visit our  
7 daughter in South Carolina next week, but if I can't make  
8 it, it's not a big hardship. So it's -- yeah, one of  
9 those things.  
10 THE COURT: It's something you can work around  
11 your schedule?  
12 JUROR NO. 4: Yes. It's just one of those  
13 things. So...  
14 THE COURT: And did you recognize the names of  
15 any of the witnesses that I read or the parties that we  
16 introduced, the attorneys; anyone?  
17 JUROR NO. 4: No.  
18 THE COURT: Have you ever sat on a jury before?  
19 JUROR NO. 4: No.  
20 THE COURT: Have you ever been a victim of a  
21 crime?  
22 JUROR NO. 4: Just someone broke into the car  
23 once, but we weren't present, no.  
24 THE COURT: Ever been accused of a crime?  
25 JUROR NO. 4: No.

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1 THE COURT: Is there anyone in your family  
2 involved in law enforcement?  
3 JUROR NO. 4: No.  
4 THE COURT: How about the legal profession at  
5 all, practice of law, study of law; anything like that?  
6 JUROR NO. 4: No.  
7 THE COURT: All right.  
8 Mr. Roth?  
9 MR. ROTH: Thank you, Your Honor.  
10 Good morning, ma'am.  
11 JUROR NO. 4: Good morning.  
12 MR. ROTH: All right. I'm going to ask the  
13 same questions. Any strong feelings about police  
14 officers?  
15 JUROR NO. 4: Not one way or the other, no.  
16 MR. ROTH: Okay. Ever been charged with a  
17 crime?  
18 JUROR NO. 4: No.  
19 MR. ROTH: You heard our -- the information  
20 that was given about the case. Did that ring a bell  
21 something that you heard about in the media?  
22 JUROR NO. 4: I vaguely remember hearing about  
23 it, but I don't pay much attention to the news.  
24 MR. ROTH: Very good. So nothing that would  
25 give you an idea about the facts one way or another?

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1 JUROR NO. 4: No.  
2 MR. ROTH: What do you do for a living?  
3 JUROR NO. 4: I'm retired, but I'm a licensed  
4 professional counselor in private practice. And prior to  
5 that I worked for Community Mental Health for a long  
6 time. A lot of years.  
7 MR. ROTH: All right. How long were you a  
8 counselor after CMH?  
9 JUROR NO. 4: Probably 15 years.  
10 MR. ROTH: And how do you fill your time now  
11 that you're retired day-to-day?  
12 JUROR NO. 4: I do a lot of biking, training  
13 for half-marathons. Outdoor gardening.  
14 MR. ROTH: Very good. Enjoy it?  
15 JUROR NO. 4: Yes. Love it.  
16 MR. ROTH: All right.  
17 I have nothing further, Your Honor.  
18 THE COURT: Thank you, Mr. Roth.  
19 Mr. Morley, you may inquire.  
20 MR. MORLEY: Ma'am, do any of my questions need  
21 to be further responded to?  
22 JUROR NO. 4: No.  
23 MR. MORLEY: That's all I have. Thank you.  
24 THE COURT: Thank you, Mr. Morley.  
25 Any challenges for cause, Mr. Roth?

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1 MR. ROTH: No, Your Honor. Thank you.  
2 THE COURT: For cause, Mr. Morley?  
3 MR. MORLEY: None for cause, Your Honor.  
4 THE COURT: Peremptory challenge, Mr. Morley?  
5 MR. MORLEY: Thank you, Your Honor. Judge, the  
6 Defense thanks and excuse Juror No. 14.  
7 THE COURT: Juror No. 14, you are excused, sir.  
8 Thanks very much for coming in. Please call the hotline  
9 tonight after 5 p.m., for further instructions.  
10 JUROR NO. 14: Thank you.  
11 (At 11:52 a.m., Juror No. 14  
12 stepped down from the jury box.)  
13 THE COURT: Ms. Milton, a replacement for Seat  
14 No. 14, please.  
15 THE CLERK: Seat No. 14 is Stephanie Rickard,  
16 R-I-C-K-A-R-D.  
17 THE COURT: Good morning, ma'am.  
18 JUROR NO. 14: Hi.  
19 THE COURT: Did you hear all of the questions  
20 asked earlier?  
21 JUROR NO. 14: Yes.  
22 THE COURT: And are there some that come to  
23 mind that you would have responded to?  
24 JUROR NO. 14: I have a long list.  
25 THE COURT: You do? Okay. Well, let's start

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1 at the top.  
2 JUROR NO. 14: I'm a member of the media. I  
3 have read on the air about this case.  
4 THE COURT: Where do you work? Let me stop you  
5 there.  
6 JUROR NO. 14: I work at Town Square Media,  
7 specifically WITL.  
8 THE COURT: All right.  
9 JUROR NO. 14: I've blogged on our website  
10 about this case. I have met you in the past. You did a  
11 commercial. I -- I am friends with --  
12 THE COURT: Really?  
13 JUROR NO. 14: -- Robert Ott, who is now part  
14 of the Ingham County Homeland Security Management. I'm  
15 friends with Gene Wigglesworth, Sheriff. His son Mark  
16 is my neighbor, and then his sons Mike and Scott. I've  
17 shared the picture in question of the vehicle on my own  
18 personal Facebook page. I just blogged about the police  
19 unity tour that raised funds to honor Grant Whitaker.  
20 THE COURT: Can I see counsel?  
21 MR. ROTH: We can stipulate.  
22 THE COURT: Stipulation, Mr. Morley?  
23 MR. MORLEY: Yes, Your Honor.  
24 THE COURT: Thank you for disclosing it, ma'am.  
25 We'll excuse you for cause.

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1 JUROR NO. 14: Okay. Nice seeing you again.  
2 THE COURT: Nice to see you. Please call the  
3 juror hotline after 5 p.m.  
4 JUROR NO. 14: I will.  
5 THE COURT: All right. Thank you.  
6 (At 11:54 a.m., Juror No. 14  
7 stepped down from the jury box.)  
8 THE COURT: Ms. Milton, a replacement for Seat  
9 No. 14.  
10 THE CLERK: Seat No. 14, Susan Pelkey,  
11 P-E-L-K-E-Y.  
12 THE COURT: Good morning, ma'am.  
13 JUROR NO. 14: Good morning.  
14 THE COURT: Were there any questions that we  
15 asked that you would have responded to?  
16 JUROR NO. 14: No.  
17 THE COURT: And have you sat as a juror before?  
18 JUROR NO. 14: Never.  
19 THE COURT: Okay. Have you ever been accused  
20 of a crime?  
21 JUROR NO. 14: No.  
22 THE COURT: Or the victim of a crime?  
23 JUROR NO. 14: No.  
24 THE COURT: You do not recognize the names of  
25 any -- anyone that we read, the witness list, or the

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1 attorneys, the parties, or anything like that?  
2 JUROR NO. 14: None.  
3 THE COURT: And do you have family members who  
4 are involved in law enforcement or you, yourself,  
5 involved in law enforcement?  
6 JUROR NO. 14: No.  
7 THE COURT: Or the legal profession?  
8 JUROR NO. 14: Nope.  
9 THE COURT: Mr. Roth?  
10 MR. ROTH: Thank you, Your Honor.  
11 Good morning, ma'am.  
12 JUROR NO. 14: Good morning.  
13 MR. ROTH: Based on media reports, do you know  
14 anything about our case?  
15 JUROR NO. 14: I just read an article when it  
16 happened back in December.  
17 MR. ROTH: Anything about that, that led you to  
18 decide any facts of the case?  
19 JUROR NO. 14: None.  
20 MR. ROTH: Any opinions about the Defendant's  
21 guilt or innocence?  
22 JUROR NO. 14: None.  
23 MR. ROTH: Any strong feelings about police  
24 officers one way or the other?  
25 JUROR NO. 14: No.

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1 MR. ROTH: Ever charged with a crime?  
2 JUROR NO. 14: No.  
3 MR. ROTH: What do you do for a living?  
4 JUROR NO. 14: I own a business with my  
5 husband.  
6 MR. ROTH: What kind of business?  
7 JUROR NO. 14: Water treatment business.  
8 MR. ROTH: And what are your responsibilities  
9 there?  
10 JUROR NO. 14: Bookkeeping.  
11 MR. ROTH: Very good. How long have you been a  
12 bookkeeper?  
13 JUROR NO. 14: Probably about 18 years now.  
14 MR. ROTH: Always for that company or outside  
15 as well?  
16 JUROR NO. 14: I did some outside work too.  
17 MR. ROTH: Very good.  
18 I have nothing further, Your Honor. Thank you.  
19 THE COURT: Thank you, Mr. Roth.  
20 Mr. Morley?  
21 MR. MORLEY: Ma'am, do any of my questions need  
22 further explanation from you?  
23 JUROR NO. 14: No.  
24 MR. MORLEY: That's all I have, Judge. Thank  
25 you.

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1 THE COURT: Thank you, Mr. Morley.  
2 Any issue for cause or challenges for cause,  
3 Mr. Roth?  
4 MR. ROTH: No, your Honor.  
5 THE COURT: Mr. Morley?  
6 MR. MORLEY: No, sir.  
7 THE COURT: Peremptory challenge, Mr. Roth?  
8 MR. ROTH: People thank and excuse Juror No. 3.  
9 THE COURT: Juror No. 3, you are excused, sir.  
10 Thank you, very much for coming in. Please call the  
11 juror hotline after 5 p.m. for further instruction.  
12 (At 11:56 a.m., Juror No. 3  
13 stepped down from the jury box.)  
14 THE COURT: Ms. Milton, a replacement for Seat  
15 No. 3.  
16 THE CLERK: Juror No. 3 is William Van Huis,  
17 V-A-N H-U-I-S.  
18 THE COURT: Morning, sir.  
19 JUROR NO. 3: Good morning.  
20 THE COURT: Would you have responded to any of  
21 our questions?  
22 JUROR NO. 3: Yeah.  
23 THE COURT: Okay.  
24 JUROR NO. 3: I am going to be in Boston  
25 June 5th through the 8th. Unavoidable family event.

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1 That's about it.  
2 THE COURT: Do you have a prepaid vacation?  
3 JUROR NO. 3: Prepaid. The whole nine yards.  
4 THE COURT: All right. And so you said the  
5 fifth through the eighth?  
6 JUROR NO. 3: Yeah. It's a Friday through a  
7 Monday.  
8 THE COURT: It will be next Friday you're  
9 leaving?  
10 JUROR NO. 3: Yeah.  
11 THE COURT: All right.  
12 Counsel?  
13 MR. ROTH: Questions or --  
14 THE COURT: Let me see you at the bench.  
15 MR. ROTH: All right.  
16 (At 11:57 a.m., an at-the-bench  
17 discussion is held off the  
18 record.)  
19 THE COURT: All right. Juror No. 3, I will  
20 excuse you for cause, sir. We'll run a little close to  
21 that, and we're concerned that we'll run into your  
22 scheduled time. So please call the juror hotline after 5  
23 for further instructions.  
24 (At 11:58 a.m., Juror No. 3  
25 stepped down from the jury box.)

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1 THE COURT: Ms. Milton, a replacement for Seat  
2 No. 3.  
3 THE CLERK: Juror No. 3, Stephanie Hasso,  
4 H-A-S-S-O.  
5 THE COURT: Hello, ma'am.  
6 JUROR NO. 3: Hello.  
7 THE COURT: Is there anything about the  
8 schedule that I have outlined that would cause you a real  
9 hardship?  
10 JUROR NO. 3: No.  
11 THE COURT: Okay. Of the questions that I  
12 asked, myself and the attorneys, were there any that  
13 stuck in your mind that you think you should respond to?  
14 JUROR NO. 3: Yeah.  
15 THE COURT: All right.  
16 JUROR NO. 3: I might know one of the  
17 witnesses, but I don't know. It might not be him.  
18 Anthony Wynn.  
19 THE COURT: And how do you think you might know  
20 that witness?  
21 JUROR NO. 3: I went to high school with him.  
22 THE COURT: What is it again?  
23 JUROR NO. 3: Anthony Wynn.  
24 MR. ROTH: If it might help, does he go by AJ?  
25 JUROR NO. 3: No. That's not him.

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1 THE COURT: All right. Have you ever sat on a  
2 jury before?  
3 JUROR NO. 3: No.  
4 THE COURT: Okay. And have you ever been the  
5 victim of a crime?  
6 JUROR NO. 3: Yeah. Robbery.  
7 THE COURT: When was that?  
8 JUROR NO. 3: I was in seventh grade.  
9 THE COURT: A long time ago.  
10 JUROR NO. 3: Yeah.  
11 THE COURT: And is there anything about that  
12 experience that causes you to be biased for or against  
13 one party or the other in this case?  
14 JUROR NO. 3: I would say yes.  
15 THE COURT: And what is that?  
16 JUROR NO. 3: The police force, I felt, like,  
17 didn't handle the case very well.  
18 THE COURT: All right. Okay. Have you ever  
19 been accused of a crime?  
20 JUROR NO. 3: No.  
21 THE COURT: Do you have any family members  
22 involved in law enforcement?  
23 JUROR NO. 3: No.  
24 THE COURT: Have you, yourself, either studied  
25 law or been involved in the legal profession or anybody

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1 in your family?  
2 JUROR NO. 3: I have a close family friend who  
3 is an attorney.  
4 THE COURT: And where is this person an  
5 attorney?  
6 JUROR NO. 3: She -- I think she has her own  
7 thing. It's Randie Black.  
8 THE COURT: Okay. So here in the Lansing area?  
9 JUROR NO. 3: Yeah, yeah.  
10 THE COURT: All right.  
11 Okay. Mr. Roth?  
12 MR. ROTH: I have nothing, Your Honor. Thank  
13 you.  
14 THE COURT: Mr. Morley?  
15 MR. MORLEY: Briefly.  
16 Ma'am, like I said, you have to fill out  
17 biographical stuff. That says you or a family member  
18 were involved in some type of crash a long time ago?  
19 JUROR NO. 3: Oh, yeah. Yeah.  
20 MR. MORLEY: Was it you?  
21 JUROR NO. 3: It was my brother.  
22 MR. MORLEY: Bad facts? Criminal charges?  
23 Anything like that?  
24 JUROR NO. 3: No. We just sued the company.  
25 MR. MORLEY: That's all I have.

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1 Thank you, Judge.  
2 THE COURT: Any challenges for cause, Mr. Roth?  
3 MR. ROTH: Yes, Your Honor. Juror No. 3 had  
4 indicated a bias against police based on prior  
5 experience.  
6 THE COURT: Mr. Morley?  
7 MR. MORLEY: I'll defer to the Court.  
8 THE COURT: All right. I'll thank and excuse  
9 Juror No. 3.  
10 Thank you, ma'am, for coming in. Please call  
11 the juror hotline after 5 p.m.  
12 (At 12:01 p.m., Juror No. 3  
13 stepped down from the jury box.)  
14 THE COURT: Ms. Milton, a replacement for Seat  
15 No. 3.  
16 THE CLERK: Juror No. 3 is going to be Judith  
17 Tropp, T-R-O-P-P.  
18 THE COURT: Good afternoon, ma'am.  
19 JUROR NO. 3: Good afternoon.  
20 THE COURT: Did you hear all of the questions  
21 earlier?  
22 JUROR NO. 3: Yes.  
23 THE COURT: Are there any that would you have  
24 responded to?  
25 JUROR NO. 3: No, sir.

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1 THE COURT: Have you ever sat as a juror?  
2 JUROR NO. 3: Yes, sir.  
3 THE COURT: And about how long ago?  
4 JUROR NO. 3: Two different times. One about  
5 three years ago. One about 15 years ago.  
6 THE COURT: What was the nature of those  
7 two cases?  
8 JUROR NO. 3: One of each.  
9 THE COURT: One civil, one criminal?  
10 JUROR NO. 3: Yes, sir.  
11 THE COURT: The criminal case, what did it  
12 involve, just generally, the charge?  
13 JUROR NO. 3: Domestic abuse.  
14 THE COURT: Without telling me the result, did  
15 you reach a verdict in the criminal case?  
16 JUROR NO. 3: Yes, we did.  
17 THE COURT: Have you ever been the victim of a  
18 crime?  
19 JUROR NO. 3: No, sir.  
20 THE COURT: Accused of a crime?  
21 JUROR NO. 3: My husband would differ with  
22 that, but no, sir.  
23 THE COURT: All right. And is there anybody in  
24 your family involved in law enforcement?  
25 JUROR NO. 3: No, sir.

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1 THE COURT: Did you recognize the names of any  
2 of the witnesses or the parties or the attorneys?  
3 JUROR NO. 3: No, sir.  
4 THE COURT: Mr. Roth?  
5 MR. ROTH: Thank you, Your Honor.  
6 Good morning, ma'am.  
7 JUROR NO. 3: Good morning.  
8 MR. ROTH: Based on all of the things that  
9 we've talked about already, do you feel like you've read  
10 or heard about this case in the media?  
11 JUROR NO. 3: I read and heard, yes.  
12 MR. ROTH: About how many articles or stories,  
13 do you think?  
14 JUROR NO. 3: One or two articles and then this  
15 morning on the news.  
16 MR. ROTH: Anything about those that have made  
17 you decide anything about the facts of this case?  
18 JUROR NO. 3: No.  
19 MR. ROTH: Any decision about the Defendant's  
20 guilt or innocence?  
21 JUROR NO. 3: No.  
22 MR. ROTH: What do you do for a living?  
23 JUROR NO. 3: I'm retired.  
24 MR. ROTH: What did you retire from?  
25 JUROR NO. 3: Several different jobs.

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1 MR. ROTH: Tell me about them.  
2 JUROR NO. 3: Right now I actually am working  
3 at a salon as a receptionist. It's not a paid position.  
4 I just volunteer.  
5 MR. ROTH: Okay. How long have you been doing  
6 that?  
7 JUROR NO. 3: Ten years.  
8 MR. ROTH: And you said you retired. What did  
9 you retire from most recently?  
10 JUROR NO. 3: Jackson National.  
11 MR. ROTH: What did you do there?  
12 JUROR NO. 3: Issued life insurance policies.  
13 MR. ROTH: How long did you do that?  
14 JUROR NO. 3: Seven years.  
15 MR. ROTH: Enjoy it?  
16 JUROR NO. 3: Yes.  
17 MR. ROTH: Very good. You said you have been a  
18 juror before. Was I ever the prosecutor on one of the  
19 cases?  
20 JUROR NO. 3: No, sir.  
21 MR. ROTH: Very good. Any strong feelings  
22 about police one way or the other?  
23 JUROR NO. 3: No.  
24 MR. ROTH: Very good.  
25 I have nothing further, Your Honor. Thank you.

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1 THE COURT: Thank you, Mr. Roth.  
2 Mr. Morley, do you wish to inquire?  
3 MR. MORLEY: Thank you, Judge.  
4 Ma'am, you said you saw something on the news  
5 this morning about this case. Did that cause you to have  
6 any thoughts about that in this case?  
7 JUROR NO. 3: No. Just that it was going to be  
8 today.  
9 MR. MORLEY: Were you specifically looking for  
10 it or you just happened to be watching the news?  
11 JUROR NO. 3: I just happened to have the news  
12 on.  
13 MR. MORLEY: That's all I have. Thank you.  
14 THE COURT: Thank you, Mr. Morley.  
15 Any issue for cause or challenge for cause,  
16 Mr. Roth?  
17 MR. ROTH: No, Your Honor.  
18 THE COURT: Mr. Morley?  
19 MR. MORLEY: No, sir.  
20 THE COURT: Mr. Morley, peremptory challenge to  
21 you, sir.  
22 MR. MORLEY: Thank you, Judge. The Defense  
23 thanks and excuse Juror No. 11.  
24 THE COURT: Juror No. 11, you are excused,  
25 ma'am. Thank you, very much. Please call the juror

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1 hotline after 5 p.m. tonight for further instructions.  
2 JUROR NO. 11: Okay.  
3 (At 12:04 p.m., Juror No. 11  
4 stepped down from the jury box.)  
5 THE COURT: Ms. Milton, please call a  
6 replacement for Seat No. 11.  
7 THE CLERK: Juror No. 11, Zachary Wilson,  
8 W-I-L-S-O-N.  
9 THE COURT: Good afternoon, sir. Did you hear  
10 all of the questions?  
11 JUROR NO. 11: Yes, I did.  
12 THE COURT: And were there any that you can  
13 think of that you would have raised your hand and  
14 responded to?  
15 JUROR NO. 11: No, I have one not.  
16 THE COURT: Pardon?  
17 JUROR NO. 11: No.  
18 THE COURT: All right. Do you have any real  
19 hardship or problems with the schedule that we have  
20 outlined?  
21 JUROR NO. 11: No, I don't.  
22 THE COURT: Did you recognize the names of any  
23 of the witnesses or the attorneys or parties involved?  
24 JUROR NO. 11: No.  
25 THE COURT: Have you ever sat as a juror

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1 before?  
2 JUROR NO. 11: No, I have not.  
3 THE COURT: Have you ever been the victim of a  
4 crime?  
5 JUROR NO. 11: No.  
6 THE COURT: Have you ever been accused of a  
7 crime.  
8 JUROR NO. 11: No.  
9 THE COURT: Do you have family members involved  
10 in law enforcement?  
11 JUROR NO. 11: No, I do not.  
12 THE COURT: How about in the legal profession?  
13 JUROR NO. 11: No.  
14 THE COURT: Okay.  
15 Mr. Roth?  
16 MR. ROTH: Thank you, Your Honor.  
17 Good morning, sir.  
18 JUROR NO. 11: Good morning.  
19 MR. ROTH: Based on what we talked about today,  
20 do you feel that you've seen or heard anything about this  
21 case in the media?  
22 JUROR NO. 11: I have.  
23 MR. ROTH: A lot of things? One thing?  
24 JUROR NO. 11: I saw on the TV when it first  
25 happened.

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1 MR. ROTH: Anything about that, that made you  
2 decide any facts of the case?  
3 JUROR NO. 11: No.  
4 MR. ROTH: Anything about that, that gives you  
5 any preconceived idea about the Defendant's guilt or  
6 innocence?  
7 JUROR NO. 11: I didn't watch it that long  
8 enough.  
9 MR. ROTH: Okay. All right. Very good. So  
10 nothing that would be --  
11 JUROR NO. 11: Concrete.  
12 MR. ROTH: Right. No problems sitting as juror  
13 despite that. Thank you. What do you do for a living,  
14 sir?  
15 JUROR NO. 11: I work as a store manager at  
16 Dollar General.  
17 MR. ROTH: Which one?  
18 JUROR NO. 11: Webberville.  
19 MR. ROTH: Very good. How long have you been  
20 working there?  
21 JUROR NO. 11: Six months.  
22 MR. ROTH: How long as a manager?  
23 JUROR NO. 11: Three.  
24 MR. ROTH: Very good. Enjoy it?  
25 JUROR NO. 11: It keeps me busy.

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1 MR. ROTH: All right. What did you do before  
2 you worked there?  
3 JUROR NO. 11: I worked for Atrium in Howell.  
4 MR. ROTH: What did you do there?  
5 JUROR NO. 11: Making car parts.  
6 MR. ROTH: For how long?  
7 JUROR NO. 11: Two years.  
8 MR. ROTH: You prefer this or that?  
9 JUROR NO. 11: What I'm doing now.  
10 MR. ROTH: All right. Any strong feelings  
11 about police officers one way or the other?  
12 JUROR NO. 11: No.  
13 MR. ROTH: At the Dollar General, have you guys  
14 had to call the police at all?  
15 JUROR NO. 11: Not yet.  
16 MR. ROTH: Okay. Thank you.  
17 I have nothing further.  
18 THE COURT: Thank you, Mr. Roth.  
19 Mr. Morley?  
20 MR. MORLEY: Thank you, Judge.  
21 Sir, do you have any ties, connections,  
22 friends, family members in the Stockbridge area?  
23 JUROR NO. 11: Stockbridge, no.  
24 MR. MORLEY: And none of the -- nothing you saw  
25 on TV rang in your mind recently?

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1 JUROR NO. 11: No.  
2 MR. MORLEY: That's all I have.  
3 Thank you, Judge.  
4 THE COURT: Thank you, Mr. Morley.  
5 Is there any challenges for cause, Mr. Roth or  
6 Mr. Morley?  
7 MR. ROTH: None for cause, Your Honor.  
8 MR. MORLEY: No, sir.  
9 THE COURT: Peremptory challenge, Mr. Roth?  
10 MR. ROTH: People thank and excuse Juror  
11 No. 12.  
12 THE COURT: Juror No. 12, thank you, very much.  
13 You are excused. Please call the juror hotline after  
14 5 p.m., and they'll give you further instructions. Thank  
15 you, sir.  
16 JUROR NO. 12: Thank you.  
17 (At 12:07 p.m., Juror No. 12  
18 stepped down from the jury box.)  
19 THE COURT: Ms. Milton, a replacement for Seat  
20 No. 12.  
21 THE CLERK: Juror No. 12, I'll spell the first  
22 name and pronounce the last. X-I-A-O-Z-H-O-U. Last name  
23 spelled Sing -- excuse me, Ning, N-I-N-G.  
24 THE COURT: Good afternoon, sir.  
25 JUROR NO. 12: Good afternoon.

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1 THE COURT: Did you hear all of the questions?  
2 JUROR NO. 12: Yes.  
3 THE COURT: Are there any that you would have  
4 responded to?  
5 JUROR NO. 12: Probably not.  
6 THE COURT: Okay.  
7 JUROR NO. 12: I don't remember all of the  
8 questions.  
9 THE COURT: All right. Have you served as a  
10 juror before?  
11 JUROR NO. 12: Once.  
12 THE COURT: All right. About how long ago?  
13 JUROR NO. 12: About two years ago.  
14 THE COURT: Was it here in Ingham County?  
15 JUROR NO. 12: No. It was in Detroit.  
16 THE COURT: And what was the nature of the  
17 case? Was it a criminal case?  
18 JUROR NO. 12: I think so, yes.  
19 THE COURT: What was generally the charge or  
20 the issue in the case?  
21 JUROR NO. 12: It was drug related.  
22 THE COURT: And without telling me the results,  
23 did the jury reach a verdict?  
24 JUROR NO. 12: I was excused.  
25 THE COURT: You were an alternate that got

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1 drawn off?  
2 JUROR NO. 12: Yes.  
3 THE COURT: Did you recognize -- when I read  
4 the names of the witnesses, did you recognize any of the  
5 witnesses?  
6 JUROR NO. 12: None of them.  
7 THE COURT: Or the attorneys or anyone seated  
8 at counsel table?  
9 JUROR NO. 12: No.  
10 THE COURT: Have you ever been accused of a  
11 crime?  
12 JUROR NO. 12: No.  
13 THE COURT: Have you ever been the victim of a  
14 crime?  
15 JUROR NO. 12: No, sir.  
16 THE COURT: Do you have any family members  
17 involved in law enforcement?  
18 JUROR NO. 12: No, sir.  
19 THE COURT: Or in the legal profession?  
20 JUROR NO. 12: I'm a law student.  
21 THE COURT: Okay. You are currently in law  
22 school?  
23 JUROR NO. 12: Yes.  
24 THE COURT: What year are you in?  
25 JUROR NO. 12: Almost done with law school.

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1 THE COURT: Mr. Roth?  
2 MR. ROTH: Thank you, Your Honor.  
3 Good afternoon, sir.  
4 JUROR NO. 12: Good afternoon.  
5 MR. ROTH: Based on what we've discussed this  
6 morning, do you think that you have heard anything about  
7 our case in the media?  
8 JUROR NO. 12: No, I have not.  
9 MR. ROTH: Very good. You indicated that you  
10 are currently in law school. What kind of law do you  
11 want to practice?  
12 JUROR NO. 12: Securities.  
13 MR. ROTH: Not related.  
14 JUROR NO. 12: No.  
15 MR. ROTH: Have you done any, outside of class,  
16 any work in the criminal field, internships; anything  
17 like that?  
18 JUROR NO. 12: No, sir.  
19 MR. ROTH: Any strong feelings about police  
20 officers one way or the other?  
21 JUROR NO. 12: Nope.  
22 MR. ROTH: I have nothing further, Your Honor.  
23 Thank you.  
24 THE COURT: Thank you, Mr. Roth.  
25 Mr. Morley, you may inquire.

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1 MR. MORLEY: I don't have any questions, Judge.  
2 Thanks.  
3 THE COURT: Does either side have any cause  
4 challenges at this point?  
5 MR. ROTH: None for cause, Your Honor.  
6 MR. MORLEY: None for cause, Your Honor.  
7 THE COURT: Mr. Morley, peremptory challenge to  
8 you.  
9 MR. MORLEY: One moment, please.  
10 THE COURT: Certainly.  
11 MR. MORLEY: The Defense thanks and excuses  
12 Juror No. 9, Your Honor.  
13 THE COURT: Juror No. 9, thank you, very much.  
14 Please call the juror hotline after 5 p.m. for further  
15 instructions.  
16 (At 12:11 p.m., Juror No. 9  
17 stepped down from the jury box.)  
18 THE COURT: Ms. Milton, can we have a  
19 replacement for Seat No. 9?  
20 THE CLERK: Seat No. 9 is Ann Paruk, P-A-R-U-K.  
21 THE COURT: Good afternoon, ma'am.  
22 JUROR NO. 9: Hi.  
23 THE COURT: Are there any questions that I  
24 asked or the attorneys asked that you would have  
25 responded to?

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1 JUROR NO. 9: Yes.  
2 THE COURT: Okay. Go ahead.  
3 JUROR NO. 9: I'm an attorney in regulatory  
4 enforcement of regulatory statutes and law -- laws and  
5 rules.  
6 THE COURT: All right. Do you work for the  
7 Attorney General's Office?  
8 JUROR NO. 9: I work for the Department of  
9 Licensing and Regulatory Affairs.  
10 THE COURT: All right. Other questions that  
11 you would have responded to?  
12 JUROR NO. 9: No.  
13 THE COURT: You have not sat as a juror before?  
14 JUROR NO. 9: No.  
15 THE COURT: And you didn't recognize the names  
16 of the witnesses or the attorneys or the individuals  
17 involved or the Defendant or anyone else?  
18 JUROR NO. 9: No.  
19 THE COURT: And do you have any family members  
20 involved in law enforcement?  
21 JUROR NO. 9: Not in law enforcement.  
22 THE COURT: Okay.  
23 Mr. Roth?  
24 MR. ROTH: Thank you, Your Honor.  
25 Good afternoon, ma'am.

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1 JUROR NO. 9: Hi.  
2 MR. ROTH: Have you heard or read anything  
3 about this case in the media?  
4 JUROR NO. 9: Yes. On television and  
5 newspaper.  
6 MR. ROTH: Once? More than once?  
7 JUROR NO. 9: Two or three times.  
8 MR. ROTH: Based on what you heard or saw or  
9 read, do you -- have you decided any facts of the case?  
10 JUROR NO. 9: No.  
11 MR. ROTH: Any preconceived ideas about the  
12 Defendant's guilt or innocence?  
13 JUROR NO. 9: No.  
14 MR. ROTH: Very good. Any strong feelings  
15 about police officers one way or the other?  
16 JUROR NO. 9: No.  
17 MR. ROTH: I have nothing further, Your Honor.  
18 Thank you.  
19 THE COURT: Thank you, Mr. Roth.  
20 Mr. Morley, do you wish to question?  
21 MR. MORLEY: Thank you, Judge.  
22 Ma'am, what area of law do you practice, I'm  
23 sorry?  
24 JUROR NO. 9: Administrative law.  
25 MR. MORLEY: I'm an attorney with a firm here

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1 in town, Fraser Trebilcock. Do you do work with anybody  
2 in my firm?  
3 JUROR NO. 9: No. We prosecute cases --  
4 MR. MORLEY: Okay.  
5 JUROR NO. 9: -- against occupational  
6 licensees.  
7 MR. MORLEY: All right. Have you ever done any  
8 type of criminal law or anything like that?  
9 JUROR NO. 9: No.  
10 MR. MORLEY: Do you feel that your position as  
11 an attorney in any way affects your ability to sit as a  
12 juror?  
13 JUROR NO. 9: No.  
14 MR. MORLEY: Okay.  
15 That's all I have, Judge. Thank you.  
16 THE COURT: Thank you, Mr. Morley.  
17 Is there any issue or challenge for cause,  
18 Mr. Roth or Mr. Morley?  
19 MR. ROTH: None for cause.  
20 MR. MORLEY: No, sir.  
21 THE COURT: Mr. Roth, peremptory challenge,  
22 sir?  
23 MR. ROTH: The People thank and excuse  
24 Juror No. 12.  
25 THE COURT: Juror No. 12, you are excused, sir.

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1 Thank you, very much. Please call the juror hotline  
2 after 5 p.m. for further instructions.  
3 (At 12:14 p.m., Juror No. 12  
4 stepped down from the jury box.)  
5 THE COURT: Ms. Milton, replacement for Seat  
6 No. 12, please.  
7 THE CLERK: Juror No. 12 is Logan Pless,  
8 P-L-E-S-S.  
9 THE COURT: Good afternoon.  
10 JUROR NO. 12: Hello.  
11 THE COURT: Have you ever served as a juror  
12 before?  
13 JUROR NO. 12: No, sir.  
14 THE COURT: And did you hear all of the  
15 questions we asked?  
16 JUROR NO. 12: Yes, sir.  
17 THE COURT: Are there any that you would have  
18 responded to?  
19 JUROR NO. 12: No, sir. Besides the fact that  
20 I've seen it on the news.  
21 THE COURT: Okay.  
22 MR. MORLEY: Besides the fact, what?  
23 THE COURT: That he has seen it in the news.  
24 MR. MORLEY: Sorry to interrupt.  
25 THE COURT: I'll let the attorneys follow up.

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1 No problem, Mr. Morley.  
2 I'll let the attorneys follow up on that. Did  
3 you recognize the names of any of the parties, witnesses,  
4 attorneys, anybody that I read earlier?  
5 JUROR NO. 12: No, sir.  
6 THE COURT: Have you ever been the victim of a  
7 crime?  
8 JUROR NO. 12: Nothing involving the courts.  
9 THE COURT: Okay. So you have had something  
10 happen to you that you consider to be a crime, but the  
11 court was not involved?  
12 JUROR NO. 12: My house was broken into.  
13 THE COURT: Okay. Have you ever been accused  
14 of a crime?  
15 JUROR NO. 12: No, sir.  
16 THE COURT: Do you have any family members or  
17 yourself involved in law enforcement?  
18 JUROR NO. 12: No, sir.  
19 THE COURT: Or the legal profession?  
20 JUROR NO. 12: No, sir.  
21 THE COURT: Mr. Roth?  
22 MR. ROTH: Thank you, Your Honor.  
23 Let's start with what you saw in the media.  
24 How many times?  
25 JUROR NO. 12: Several.

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1 MR. ROTH: Several. Anything about what you  
2 heard, read, saw that made you decide facts of the case  
3 at all?  
4 JUROR NO. 12: No, sir.  
5 MR. ROTH: All right. You seem hesitant. Is  
6 there anything based on what you saw in the media that  
7 you think you could not set aside?  
8 JUROR NO. 12: The media is very persuasive.  
9 MR. ROTH: Have you been persuaded?  
10 JUROR NO. 12: No.  
11 MR. ROTH: All right. And that's ultimately  
12 what we're getting at.  
13 JUROR NO. 12: Yeah.  
14 MR. ROTH: So whatever you read in the media,  
15 obviously it doesn't fit the same standards as what  
16 you're going to hear in court. Can you set aside  
17 whatever you've heard, read, saw?  
18 JUROR NO. 12: I would be able to do that, yes.  
19 MR. ROTH: Very good. And with that in mind,  
20 under the judge's direction, you have no preconceived  
21 idea about the Defendant's guilt or innocence?  
22 JUROR NO. 12: No.  
23 MR. ROTH: Very good. What do you do for a  
24 living, sir?  
25 JUROR NO. 12: I'm a restaurant manager.

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1 MR. ROTH: What restaurant?  
2 JUROR NO. 12: Cracker Barrel.  
3 MR. ROTH: Which location?  
4 JUROR NO. 12: The West Saginaw.  
5 MR. ROTH: Very good. How long have you been  
6 doing that?  
7 JUROR NO. 12: I've worked for Cracker Barrel  
8 for five years, and I've been a first shift manager for a  
9 little over one.  
10 MR. ROTH: Enjoy it?  
11 JUROR NO. 12: Yes, sir.  
12 MR. ROTH: How much of your job is  
13 administrative, taking care of the other employees? All  
14 of it?  
15 JUROR NO. 12: Pretty much.  
16 MR. ROTH: Okay. Very good. Is that a  
17 strength of yours?  
18 JUROR NO. 12: Yes, sir.  
19 MR. ROTH: Very good. Any strong feelings  
20 about police officers one way or the other?  
21 JUROR NO. 12: No, sir.  
22 MR. ROTH: All right. Very good.  
23 I have nothing further, Your Honor. Thank you.  
24 THE COURT: Thank you, Mr. Roth.  
25 Mr. Morley?

1 happened.  
2 THE COURT: All right.  
3 JUROR NO. 9: And not much since.  
4 THE COURT: Okay.  
5 JUROR NO. 9: So I can't remember everything  
6 about it that would be all fresh. But one of the things,  
7 we do have a family wedding coming up on -- we're leaving  
8 on June 5th through Monday, the eighth, and my husband  
9 and I were going to take a little trip after that, but  
10 that was one thing. I can't remember your other  
11 questions now. I have been on another jury trial. I  
12 have.  
13 THE COURT: Okay. And how long ago?  
14 JUROR NO. 9: I would say about maybe  
15 eight years ago, and it was a malpractice civil suit.  
16 THE COURT: All right.  
17 Can I see counsel, please?  
18 (At 12:18 p.m., an at-the-bench  
19 discussion is held off the  
20 record.)  
21 THE COURT: Juror No. 9, I'm going to excuse  
22 you for cause. I don't want to run afoul of -- that  
23 sounds like a very important trip that you're taking. So  
24 just in case we get into the time frame. So you're  
25 excused.

1 MR. MORLEY: I don't have any questions, Judge.  
2 Thank you.  
3 THE COURT: Thank you, Mr. Morley.  
4 Is there any challenges for cause, Mr. Roth or  
5 Mr. Morley?  
6 MR. ROTH: No, Your Honor.  
7 MR. MORLEY: No, sir.  
8 THE COURT: Mr. Morley, peremptory challenge?  
9 MR. MORLEY: Thank you, Judge. The Defense  
10 thanks and excuse Juror No. 9.  
11 THE COURT: Juror No. 9, you are excused.  
12 Thank you, ma'am. Please call the juror hotline after  
13 5 p.m. tonight for further instructions.  
14 (At 12:17 p.m., Juror No. 9  
15 stepped down from the jury box.)  
16 THE COURT: Ms. Milton, will you please call a  
17 juror for Seat No. 9?  
18 THE CLERK: Juror No. 9, Donna Timock,  
19 T-I-M-O-C-K.  
20 THE COURT: Good afternoon, ma'am.  
21 JUROR NO. 9: Hello.  
22 THE COURT: Would you have responded to any of  
23 the questions that were asked earlier?  
24 JUROR NO. 9: I guess I have seen a few  
25 articles in the newspaper back when the accident first

1 JUROR NO. 9: Thank you.  
2 THE COURT: But please call the juror hotline  
3 after 5 p.m. tonight. All right? Thank you.  
4 (At 12:19 p.m., Juror No. 9  
5 stepped down from the jury box.)  
6 THE COURT: Ms. Milton, a replacement for Seat  
7 No. 9.  
8 THE CLERK: Juror No. 9, Elizabeth Mabie,  
9 M-A-B-I-E.  
10 THE COURT: Good afternoon, ma'am.  
11 JUROR NO. 9: Good afternoon.  
12 THE COURT: Did you hear all of the questions?  
13 JUROR NO. 9: I did.  
14 THE COURT: And are there some that you have in  
15 mind that you would have responded to?  
16 JUROR NO. 9: Yes.  
17 THE COURT: All right. Go right ahead.  
18 JUROR NO. 9: I did serve on a jury once  
19 before, but it was down in Detroit.  
20 THE COURT: What was the nature of it?  
21 JUROR NO. 9: It was criminal destruction of  
22 property.  
23 THE COURT: And did the jury reach a verdict,  
24 without telling me what the verdict was?  
25 JUROR NO. 9: No.

1 THE COURT: Other questions that you would have  
2 responded to?  
3 JUROR NO. 9: Some of my inlaws were part of  
4 the police department in Metro Detroit.  
5 THE COURT: Okay. And that was in the past in  
6 some way?  
7 JUROR NO. 9: They were police chief and  
8 officer.  
9 THE COURT: Okay. All right. And is there  
10 anything about that interaction with them that causes you  
11 to be biased for or against one side or the other in this  
12 case?  
13 JUROR NO. 9: No.  
14 THE COURT: Other questions that you would have  
15 responded to?  
16 JUROR NO. 9: I can't think so. No.  
17 THE COURT: Did you recognize any of the names  
18 of the witnesses that I've read?  
19 JUROR NO. 9: No.  
20 THE COURT: And do you have any significant  
21 scheduling problems or hardship issues?  
22 JUROR NO. 9: No.  
23 THE COURT: Have you, yourself, ever been a  
24 victim of a crime?  
25 JUROR NO. 9: No.

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1 THE COURT: How about close family members?  
2 JUROR NO. 9: No. Not like that, no.  
3 THE COURT: Have you ever been accused of a  
4 crime?  
5 JUROR NO. 9: No.  
6 THE COURT: Mr. Roth?  
7 MR. ROTH: Thank you, Your Honor.  
8 Good afternoon, ma'am.  
9 JUROR NO. 9: Hello.  
10 MR. ROTH: Have you heard or seen anything  
11 about this case in the media?  
12 JUROR NO. 9: I vaguely recollect seeing it in  
13 the paper several months ago.  
14 MR. ROTH: But nothing that has given you any  
15 idea as to the facts or the Defendant's guilt or  
16 innocence?  
17 JUROR NO. 9: No.  
18 MR. ROTH: Any strong feelings about the police  
19 one way or another?  
20 JUROR NO. 9: No.  
21 MR. ROTH: What do you do for a living?  
22 JUROR NO. 9: I'm an assistant manager at Turf  
23 Grass Information Center at MSU.  
24 MR. ROTH: I'm sorry, say that again.  
25 JUROR NO. 9: I'm an assistant manager at the

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1 Turf Grass Information Center at Michigan State  
2 University libraries.  
3 MR. ROTH: Okay. How long have you been doing  
4 that?  
5 JUROR NO. 9: In my managerial position, about  
6 three years.  
7 MR. ROTH: In total?  
8 JUROR NO. 9: Eight.  
9 MR. ROTH: Day-to-day, what are your  
10 responsibilities there?  
11 JUROR NO. 9: Making sure that my students are  
12 doing their job, basically, and basically outreach for  
13 our users.  
14 MR. ROTH: Very good.  
15 I have nothing further.  
16 THE COURT: Thank you, Mr. Roth.  
17 Mr. Morley?  
18 MR. MORLEY: Ma'am, I'm sorry to pry. I got a  
19 little bit confused.  
20 JUROR NO. 9: That's all right.  
21 MR. MORLEY: Ex-police or ex-family members are  
22 police.  
23 JUROR NO. 9: Ex-police.  
24 MR. MORLEY: All right. And somebody was a  
25 chief where?

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1 JUROR NO. 9: Huntington Woods.  
2 MR. MORLEY: Retired?  
3 JUROR NO. 9: Yes.  
4 MR. MORLEY: Okay. And that was who to you?  
5 JUROR NO. 9: My husband's godfather.  
6 MR. MORLEY: All right.  
7 That's all I have. Thank you.  
8 THE COURT: Thank you, Mr. Morley.  
9 Is there any challenges for cause, Mr. Roth?  
10 MR. ROTH: No, Your Honor.  
11 THE COURT: Or, Mr. Morley?  
12 MR. MORLEY: No, sir.  
13 THE COURT: Peremptory challenge, Mr. Roth?  
14 MR. ROTH: People are satisfied with the panel.  
15 THE COURT: Peremptory challenge, Mr. Morley?  
16 MR. MORLEY: One moment, Your Honor, please.  
17 THE COURT: Sure.  
18 MR. MORLEY: Defense thanks and excuses  
19 Juror No. 9, Your Honor.  
20 THE COURT: Juror No. 9, you are excused.  
21 Please call the juror hotline after 5 p.m. tonight for  
22 further instructions. Thank you, ma'am.  
23 (At 12:23 p.m., Juror No. 9  
24 stepped down from the jury box.)  
25 THE COURT: Ms. Milton, will you please call a

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1 juror for Seat No. 9?  
2 THE CLERK: Juror No. 9, Gregory Smith,  
3 S-M-I-T-H.  
4 THE COURT: Good afternoon, sir.  
5 JUROR NO. 9: Good afternoon.  
6 THE COURT: Did you hear all of the questions?  
7 JUROR NO. 9: I did.  
8 THE COURT: Are there any that you would have  
9 responded to?  
10 JUROR NO. 9: Yes, I would.  
11 THE COURT: Which ones?  
12 JUROR NO. 9: My stepson is an Ingham County  
13 Sheriff's Deputy.  
14 THE COURT: All right.  
15 JUROR NO. 9: He was on duty.  
16 THE COURT: Okay. All right.  
17 What else? Mr. Roth and Mr. Morley, can I see  
18 you a second?  
19 (At 12:24 p.m., an at-the-bench  
20 discussion is held off the  
21 record.)  
22 THE COURT: Sir, have you ever sat on a jury  
23 before?  
24 JUROR NO. 9: I have not.  
25 THE COURT: And have you ever been the victim

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1 of a crime?  
2 JUROR NO. 9: Car broken into.  
3 THE COURT: A while ago or --  
4 JUROR NO. 9: Yeah.  
5 THE COURT: Okay. Have you ever been accused  
6 of a crime?  
7 JUROR NO. 9: Yes.  
8 THE COURT: Okay. And what was -- about how  
9 long ago was it?  
10 JUROR NO. 9: Early 80s.  
11 THE COURT: And what was nature of that?  
12 JUROR NO. 9: Impaired.  
13 THE COURT: All right. Did you recognize the  
14 names of any of the witnesses I read?  
15 JUROR NO. 9: I did not.  
16 THE COURT: Okay. The attorneys?  
17 JUROR NO. 9: Nope.  
18 THE COURT: Mr. Roth, you may inquire.  
19 MR. ROTH: Thank you, Your Honor.  
20 Good afternoon, sir.  
21 JUROR NO. 9: Good afternoon.  
22 MR. ROTH: Does your son have the same last  
23 name as you, the one that is a deputy?  
24 JUROR NO. 9: No. He's a stepson.  
25 MR. ROTH: Okay. What is his last name?

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1 JUROR NO. 9: Cena.  
2 MR. ROTH: Okay. Thank you, sir. So without  
3 telling me the content of it, have you discussed the case  
4 with him at all?  
5 JUROR NO. 9: Yes, sir.  
6 MR. ROTH: All right. And based on that, have  
7 you decided some facts of the case? Let me ask it a  
8 different way. Could you be fair and impartial even  
9 though you've had that discussion with him?  
10 JUROR NO. 9: I could try.  
11 MR. ROTH: All right. I understand ultimately  
12 nobody knows better than you. So if there is a chance  
13 that you wouldn't be fair and impartial, we just need to  
14 know so that we can see if we can find another juror. Do  
15 you think that there is that risk?  
16 JUROR NO. 9: I suppose.  
17 MR. ROTH: Very good.  
18 I have nothing further, Your Honor. Thank you.  
19 THE COURT: Any objection to dismissal for  
20 cause, Mr. Roth?  
21 MR. ROTH: No, your Honor. Thank you.  
22 THE COURT: Mr. Morley?  
23 MR. MORLEY: No, sir. Thank you.  
24 THE COURT: Juror No. 9, you are excused for  
25 cause, sir. Thank you, very much, for being candid with

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1 us. Please call the juror hotline after 5 p.m. tonight.  
2 JUROR NO. 9: We'll do.  
3 (At 12:27 p.m., Juror No. 9  
4 stepped down from the jury box.)  
5 THE COURT: May we have a replacement,  
6 Ms. Milton, for Seat No. 9?  
7 THE CLERK: Juror No. 9 is Jacqueline Gregg,  
8 G-R-E-G-G.  
9 THE COURT: Good afternoon, ma'am.  
10 JUROR NO. 9: Good afternoon.  
11 THE COURT: Did you hear all of the questions?  
12 JUROR NO. 9: Yes.  
13 THE COURT: Can you think of any that you would  
14 have responded to?  
15 JUROR NO. 9: I've been seated on two juries,  
16 and I was subpoenaed once to be a witness, but the trial  
17 never took place.  
18 THE COURT: All right. And the two juries that  
19 you sat on, were those criminal cases? Civil cases? One  
20 of each? What?  
21 JUROR NO. 9: One was for rape, and one was a  
22 DUI.  
23 THE COURT: And without telling me the result,  
24 did the jury reach a verdict in each of those two cases?  
25 JUROR NO. 9: No. The rape case, I was

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1 literally drawn out of the hat. I did not deliberate.  
 2 THE COURT: You were an alternate juror who was  
 3 drawn off?  
 4 JUROR NO. 9: Yes. And they did -- but they  
 5 did come to a conclusion.  
 6 THE COURT: Okay.  
 7 JUROR NO. 9: And the DUI, I don't know if you  
 8 want me to explain it or not.  
 9 THE COURT: Was there a verdict reached --  
 10 JUROR NO. 9: No.  
 11 THE COURT: -- yes or no? No? All right. And  
 12 is there anything about the schedule that I outlined that  
 13 is a real hardship for you?  
 14 JUROR NO. 9: No.  
 15 THE COURT: Did you recognize the names of  
 16 anyone that I read, be it the attorneys, the folks  
 17 sitting at counsel table, the Defendant, any of the  
 18 witnesses?  
 19 JUROR NO. 9: No.  
 20 THE COURT: Have you ever been the victim of a  
 21 crime?  
 22 JUROR NO. 9: No.  
 23 THE COURT: Or accused of a crime?  
 24 JUROR NO. 9: No.  
 25 THE COURT: Do you have law enforcement folks

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1 in your family, in any way?  
 2 JUROR NO. 9: No.  
 3 THE COURT: Mr. Roth?  
 4 MR. ROTH: Thank you, Your Honor.  
 5 Good afternoon, ma'am.  
 6 JUROR NO. 9: Good afternoon.  
 7 MR. ROTH: Based on what we've talked about  
 8 this morning, do you think you've heard or read about our  
 9 case in the media?  
 10 JUROR NO. 9: I have not.  
 11 MR. ROTH: What do you do for a living?  
 12 JUROR NO. 9: I'm retired.  
 13 MR. ROTH: What did you retire from?  
 14 JUROR NO. 9: I was a secretary with the State  
 15 of Michigan.  
 16 MR. ROTH: For how long?  
 17 JUROR NO. 9: Thirty years.  
 18 MR. ROTH: And what department, specifically?  
 19 JUROR NO. 9: Started out Department of Natural  
 20 Resources, and Engler turned it into Department of  
 21 Environmental Quality.  
 22 MR. ROTH: Enjoy it?  
 23 JUROR NO. 9: Loved it.  
 24 MR. ROTH: Day-to-day, what were your  
 25 responsibilities there?

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1 JUROR NO. 9: Well, a lot of typing, answering  
 2 the phone. Our section issued permits to discharge to  
 3 surface waters. So once the applicants, if they were  
 4 issued a permit, then I would get it in the mail.  
 5 MR. ROTH: Very good. Any strong feelings  
 6 about police officers one way or the other?  
 7 JUROR NO. 9: No.  
 8 MR. ROTH: Very good. I have nothing further.  
 9 THE COURT: Thank you, Mr. Roth.  
 10 Mr. Morley?  
 11 MR. MORLEY: I don't have any questions, Judge.  
 12 Thank you.  
 13 THE COURT: Are there any challenges for cause  
 14 either side, Mr. Roth or Mr. Morley?  
 15 MR. ROTH: No, Your Honor.  
 16 MR. MORLEY: No, sir.  
 17 THE COURT: Peremptory challenge, Mr. Roth?  
 18 MR. ROTH: People are satisfied with the panel,  
 19 Your Honor.  
 20 THE COURT: All right. Thank you, very much.  
 21 So we have our jury, Ladies and Gentlemen. And  
 22 those of you who have been waiting, I appreciate you  
 23 coming in. We thank you for participating in the  
 24 process. It's very important. You will all need to call  
 25 the juror hotline after 5 p.m. tonight for further

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1 instructions. But, other than that, you are discharged  
 2 for today. Thank you, very much.  
 3 (At 12:30 p.m., the remaining  
 4 prospective jurors left the  
 5 courtroom.)  
 6 THE COURT: Please be seated.  
 7 Ladies and Gentlemen of the Jury, I have some  
 8 matters I need to go through -- some instructions I need  
 9 to go through with you. Before I begin those, however,  
 10 once again, since we've had you out here for a while, is  
 11 there anyone who needs a break, needs to use a restroom  
 12 because we could break at this point and come back and  
 13 give you the instructions?  
 14 VARIOUS JURORS: (Raising hands.)  
 15 THE COURT: Okay. That's what we'll do then.  
 16 We'll take a short recess so that you can stretch, use  
 17 the restroom. Mr. Adkins will take you back to the jury  
 18 room. And what we are going to do -- a couple of things.  
 19 Number one, do not discuss the case among yourselves.  
 20 Find something else to talk about when we're on the  
 21 break.  
 22 Number two what we're going to do is we'll take  
 23 this break, and then I'm going to read some instructions  
 24 -- some preliminary instructions to you. And then we  
 25 will end for the day and I will release you and have you

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1 come back on Thursday morning, and that's when we will  
 2 begin the opening statements in this case.  
 3 So we'll have you follow Mr. Adkins back to the  
 4 jury room.  
 5 (At 12:32 p.m., the jury left the  
 6 courtroom.)  
 7 THE COURT: We'll give them about ten minutes  
 8 or so. Okay?  
 9 MR. MORLEY: Thank you, Judge.  
 10 MR. ROTH: Would the Court like a break, or do  
 11 we knock out that venue motion?  
 12 THE COURT: We can deal with the venue motion.  
 13 MR. MORLEY: I don't have any argument. I'll  
 14 defer to the Court.  
 15 MR. ROTH: As will I.  
 16 THE COURT: So, Mr. Morley, you're still moving  
 17 for change of venue or not?  
 18 MR. MORLEY: Judge, candidly as I was sitting  
 19 here, I was wondering about it. I don't know how I can  
 20 because I haven't objected to the jury. But I think the  
 21 Court needs to make a decision on my motion. So without  
 22 argument, I am not going to withdraw it. I'll leave it  
 23 out there.  
 24 THE COURT: All right. And is there any  
 25 objection to the jury selection process at this point;

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1 anything that has occurred?  
 2 MR. ROTH: Not from the People.  
 3 THE COURT: Mr. Morley?  
 4 MR. MORLEY: No, sir.  
 5 THE COURT: And, for the record, I note that  
 6 Mr. Morley, for the Defense, you used all five peremptory  
 7 challenges. The Prosecution used four.  
 8 Correct?  
 9 MR. MORLEY: True.  
 10 MR. ROTH: That's correct.  
 11 THE COURT: I had reviewed the venue motion,  
 12 which was originally filed some time ago and held in  
 13 abeyance by agreement and obviously for practical reasons  
 14 because we needed to see whether the -- whether a jury  
 15 could be selected or we would have an issue with it.  
 16 I've also reviewed the response to the venue  
 17 motion, which was recently filed on behalf of the  
 18 Prosecution. And I think it is clear based on the  
 19 responses that we had to the voir dire questions, both  
 20 sides had a full opportunity to ask the jurors questions  
 21 about any media coverage they may have seen about this  
 22 case and about any personal information that they may  
 23 have learned about the case prior to this morning's jury  
 24 selection.  
 25 And through that, we determined that there were

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1 a couple of jurors that would be excused for cause, and  
 2 we did excuse them. There was nothing about the  
 3 responses that I could tell, even those who had some  
 4 exposure to the facts of the case, that would suggest  
 5 that under the standard that is outlined in the case law  
 6 that would apply to this case, there is nothing that I  
 7 can see that would require a change of venue in this  
 8 case. So I'm going to deny the motion.  
 9 MR. MORLEY: Thank you, Judge.  
 10 THE COURT: You're welcome.  
 11 Anything else anybody wants to put on the  
 12 record before we break?  
 13 MR. ROTH: No, Your Honor.  
 14 MR. MORLEY: No, sir.  
 15 (At 12:35 p.m., recessed;  
 16 reconvened at 12:43 p.m.)  
 17 THE COURT: All set to bring the jurors back  
 18 in?  
 19 MR. ROTH: Yes, Your Honor.  
 20 THE COURT: Mr. Morley?  
 21 MR. MORLEY: Yes, sir.  
 22 THE COURT: Okay.  
 23 (At 12:44 p.m., the prospective  
 24 jury entered the courtroom.)  
 25 THE COURT: All right. Please be seated.

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1 Ladies and Gentlemen of the Jury, you have been  
 2 chosen to decide a criminal charge made by the State of  
 3 Michigan against one of your fellow citizens.  
 4 I am now going to ask you to stand and swear to  
 5 perform your duty to try the case justly and to reach a  
 6 true verdict. If your religious beliefs do not permit  
 7 you to take an oath, you may instead affirm to try the  
 8 case justly and reach a true verdict.  
 9 Please stand and raise your right hand. Here  
 10 is your oath. Each of you do solemnly swear or affirm  
 11 that in this action now before the Court, you will justly  
 12 decide the questions submitted to you. That unless you  
 13 are discharged by the Court from further deliberation,  
 14 you will render a true verdict, and that you will render  
 15 your verdict only on the evidence introduced and in  
 16 accordance with the instructions of the Court, so help  
 17 you God? If so, please say "I do."  
 18 THE PROSPECTIVE JURY: I do.  
 19 (At 12:46 p.m., the jury was  
 20 sworn to hear and try the case.)  
 21 THE COURT: Please be seated. Now I'm going to  
 22 explain to you some of the legal principles that you'll  
 23 need to know and the procedure we will follow in this  
 24 trial. The trial follows this procedure:  
 25 First, the prosecutor makes an opening

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1 statement where he gives his theories about the case.  
 2 The Defendant's lawyer does not have to make an opening  
 3 statement, but he may make an opening statement after the  
 4 prosecutor makes his, or he may wait until later. These  
 5 statements are not evidence. They are only meant to help  
 6 you understand how each side views the case.  
 7 To prove the charges, the prosecutor must prove  
 8 the following beyond a reasonable doubt:  
 9 As to fleeing and eluding in the first degree,  
 10 the Defendant is charged with the crime of police officer  
 11 - fleeing and eluding in the first degree. To prove this  
 12 charge, the prosecutor must prove each of the following  
 13 elements beyond a reasonable doubt:  
 14 First, that a police officer was in uniform and  
 15 was performing his lawful duties and that any vehicle  
 16 driven by the officer was adequately marked as a law  
 17 enforcement vehicle.  
 18 Second, that the Defendant was driving a motor  
 19 vehicle.  
 20 Third, that the officer ordered that the  
 21 Defendant stop his vehicle.  
 22 Fourth, that the Defendant knew of the order.  
 23 Fifth, that the Defendant refused to obey the  
 24 order by trying to flee or avoid being caught.  
 25 Sixth, that the violation resulted in the death

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1 of another individual.  
 2 As to driving while license suspended or  
 3 revoked causing death, the Defendant is charged with  
 4 driving while his operator's license is suspended or  
 5 revoked causing death.  
 6 To prove this charge, the prosecutor must prove  
 7 each of the following elements beyond a reasonable doubt:  
 8 First, that the Defendant was operating a motor  
 9 vehicle. Operating means driving or having actual  
 10 physical control of the vehicle.  
 11 Second, that the Defendant was operating that  
 12 vehicle on a highway or other place open to the general  
 13 public.  
 14 Third, that at the time the Defendant's  
 15 operator's license was suspended or revoked.  
 16 Fourth, that the Secretary of State gave notice  
 17 of the suspension or revocation by First-Class United  
 18 States Postal Service Mail addressed to the Defendant at  
 19 the address shown by the record of the Secretary of State  
 20 at least five days before the date of the alleged  
 21 offense.  
 22 That the Defendant's operation of the vehicle  
 23 caused the victim's death. To cause the victim's death,  
 24 the Defendant's operation of the vehicle must have been a  
 25 factual cause of the death. That is, but for the

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1 Defendant's operation of the vehicle, the death would not  
 2 have occurred.  
 3 In addition, operation of the vehicle must have  
 4 been a proximate cause of death. That is, death or  
 5 serious injury must have been a direct and natural result  
 6 of operating the vehicle.  
 7 After the opening statements, the prosecutor  
 8 presents his evidence. The prosecutor may call witnesses  
 9 to testify and may show you exhibits like documents or  
 10 objects. The Defendant's lawyer has the right to  
 11 cross-examine the prosecutor's witnesses. After the  
 12 prosecutor has presented all his evidence, the  
 13 Defendant's attorney may also offer evidence but does not  
 14 have to.  
 15 By law, the Defendant does not have to prove  
 16 his innocence or produce any evidence. If the Defense  
 17 does call any witnesses, the prosecutor has the right to  
 18 cross-examine them.  
 19 The prosecutor may also call witnesses to  
 20 contradict the testimony of the defense witnesses. After  
 21 all the evidence has been presented, the prosecutor and  
 22 the Defendant's lawyer will make their closing arguments.  
 23 Like the opening statements, these are not  
 24 evidence. They are only meant to help you understand the  
 25 evidence and the way each side sees the case. You must

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1 base your verdict only on the evidence.  
 2 You'll be given a written copy of the  
 3 instructions I have just read to you. You may refer to  
 4 them during the trial. Since no one can predict the  
 5 course of a trial, these instructions may change at the  
 6 end of the trial. At the close of the trial, I will  
 7 provide you a copy of my final instructions for your use  
 8 during your deliberations.  
 9 My responsibilities as the judge in this trial  
 10 are to make sure that the trial is run fairly and  
 11 efficiently, to make decisions about evidence, and to  
 12 instruct you about the law that applies to this case.  
 13 You must take the law as I give it to you. Nothing I say  
 14 is meant to reflect my own opinions about the facts of  
 15 the case.  
 16 As jurors, you are the ones who will decide  
 17 this case. Your responsibility as jurors is to decide  
 18 what the facts of the case are. This is your job and no  
 19 one else's. You must think about all the evidence and  
 20 all the testimony and then decide what each piece of  
 21 evidence means and how important you think it is. This  
 22 includes how much you believe what each of the witnesses  
 23 said. What you decide about any fact in this case is  
 24 final.  
 25 When it is time for you to decide this case,

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1 you are only allowed to consider the evidence that was  
 2 admitted in the case. Evidence includes only the sworn  
 3 testimony of witnesses, the exhibits admitted into  
 4 evidence, and anything else I tell you to consider as  
 5 evidence.

6 It is your job to decide what the facts of this  
 7 case are. You must decide which witnesses you believe  
 8 and how important you think their testimony is. You do  
 9 not have to accept or reject everything a witness says.  
 10 You are free to believe all, none, or part of any  
 11 person's testimony.

12 In deciding which testimony you believe, you  
 13 should rely on your own common sense and everyday  
 14 experience. However, in deciding whether you believe a  
 15 witness's testimony, you must set aside any bias or  
 16 prejudice you have based on the race, gender, or national  
 17 origin of the witness.

18 There is no fixed set of rules for judging  
 19 whether you believe a witness, but it may help you to  
 20 think about these questions:

21 Was the witness able to see or hear clearly?  
 22 How long was the witness watching or listening?  
 23 Was anything else going on that might have  
 24 distracted the witness?  
 25 Does the witness seem to have a good memory?

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1 How does the witness look and act while  
 2 testifying?

3 Does the witness seem to be making an honest  
 4 effort to tell the truth, or does the witness seem to  
 5 evade the questions or argue with the lawyers?

6 Does the witness's age affect how you judge his  
 7 or her testimony?

8 Does the witness have any bias or prejudice or  
 9 any personal interest in how this case is decided?

10 Have there been any promises, threats,  
 11 suggestions, or other influences that affect how the  
 12 witness testifies?

13 In general, does the witness have any special  
 14 reason to tell the truth or any special reason to lie?

15 All in all, how reasonable does the witness's  
 16 testimony seem when you think about all the other  
 17 evidence in the case?

18 The questions the lawyers ask the witnesses are  
 19 not evidence. Only the answers are evidence. You should  
 20 not think that something is true just because one of the  
 21 lawyers ask questions that assume or suggest that it is.

22 I may ask some of the witnesses questions  
 23 myself. These questions are not meant to reflect my  
 24 opinion about the evidence. If I ask questions, my only  
 25 reason would be to ask about things that may not have

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1 been fully explored.

2 During the trial, the lawyers may object to  
 3 certain questions or statements made by the other lawyers  
 4 or witnesses. I will rule on these objections according  
 5 to the law. My rulings for or against one side or the  
 6 other are not meant to reflect my opinions about the  
 7 facts of the case.

8 Sometimes the lawyers and I will have  
 9 discussions out of your hearing. Also, while you are in  
 10 the jury room, I may have to take care of other matters  
 11 that have nothing to do with this case. Pay no attention  
 12 to these interruptions.

13 You must not discuss the case with anyone,  
 14 including your family or friends. You must not even  
 15 discuss it with the other jurors until the time comes for  
 16 you to decide the case. When it is time for you to  
 17 decide the case, I will send you to the jury room for  
 18 that purpose. Then you should discuss the case among  
 19 yourselves but only in the jury room and only when all of  
 20 the jurors are there. When the trial is over, you may,  
 21 if you wish, discuss the case with anyone.

22 If I call for a recess during the trial, I will  
 23 either send you back to the jury room or allow you to  
 24 leave the courtroom on your own and go about your  
 25 business, but you must not discuss the case with anyone

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1 or let anyone discuss it with you or in your presence.  
 2 If someone tries to do that, tell him or her to stop and  
 3 explain that as a juror, you are not allowed to discuss  
 4 the case. If he or she continues, leave and report the  
 5 incident to me as soon as you return to court.

6 You must not talk to the Defendant, the  
 7 lawyers, or the witnesses about anything at all even if  
 8 it has nothing to do with the case. It is very important  
 9 that you only get information about the case in court  
 10 when you are acting as the jury and when the Defendant,  
 11 the lawyers, and I are all here.

12 Now, this is something that I referred to  
 13 earlier when we took a break, but if you see the lawyers  
 14 or anybody involved in this case in the hallway, you may  
 15 pass them in the hallway or on the elevator or somewhere  
 16 as you're going and coming from the courthouse. You  
 17 should just ignore them, and they are instructed to  
 18 ignore you.

19 Again, they're not being rude. If the lawyers  
 20 walk right past you and act like you're not there and  
 21 don't say "Hello" or "Good day," or "Isn't this a rainy  
 22 day," or whatever it is, if they walk past you, don't  
 23 make any acknowledgment that you're there, that's what  
 24 they're supposed to do. So don't take that as offensive  
 25 in any way.

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1 During the trial, do not read, listen to, or  
 2 watch any news reports about the case. Under the law,  
 3 the evidence you consider to decide the case must meet  
 4 certain standards. For example, witnesses must swear to  
 5 tell the truth and the lawyers must be able to  
 6 cross-examine them. Because news reports do not have to  
 7 meet these standards, they could give you incorrect or  
 8 misleading information that might unfairly favor one  
 9 side. So to be fair to both sides, you must follow this  
 10 instruction.

11 Remember for the reasons I explained to you  
 12 earlier, you must not read, listen to, or watch any news  
 13 reports about this case while you are serving on this  
 14 jury.

15 The restrictions I'm about to describe are  
 16 meant to ensure that the parties get a fair trial. In  
 17 our judicial system, it is crucial that jurors are not  
 18 influenced by anything or anyone outside the courtroom.

19 Now that many jurors have easy access to  
 20 information through handheld devices and other  
 21 technology, jurors may be tempted to use these devices to  
 22 learn about some aspect of the case. But if a juror were  
 23 to do this, it would harm the parties. The attorneys  
 24 would have no way of knowing that a juror has gotten  
 25 outside information and would have no chance to object if

1 that information was false, untrustworthy, or irrelevant.

2 Remember no matter how careful and  
 3 conscientious news reporters, family members, friends,  
 4 and other people outside of the courtroom may be,  
 5 information about the case from television, radio, and  
 6 the Internet and social media may inevitably be  
 7 incomplete and could be incorrect. Please bear these  
 8 things in mind as I read the following instructions.  
 9 These restrictions apply from this moment until I  
 10 discharge you from jury service.

11 You must decide this case based solely on the  
 12 evidence you see and hear in this courtroom. You must  
 13 not consider information that comes from anywhere else.  
 14 This means that during the trial, you must not read,  
 15 watch, or listen to news reports about the case whether  
 16 in newspapers, on television, on the radio, or on the  
 17 Internet.

18 You also must not research any aspect of the  
 19 case during the trial. This means research using a  
 20 cellular phone, computer, or other electronic device to  
 21 search the Internet, as well as research with traditional  
 22 sources like dictionaries, reference manuals, newspapers,  
 23 and magazines.

24 You must not investigate the case on your own  
 25 or conduct any experiments concerning the case, including

1 investigation or experiments using the Internet,  
 2 computer, cellular phones, or other electronic devices.

3 You must not visit the scene of any event at  
 4 issue in this trial. If it is necessary for you to view  
 5 or visit the scene, court staff will take you there as a  
 6 group under court supervision. You must not consider as  
 7 evidence any personal knowledge you have of the scene.

8 Before your deliberations you must not discuss  
 9 the case with anyone even your fellow jurors. After you  
 10 begin deliberations, you should discuss the case with  
 11 your fellow jurors, but you still must not discuss the  
 12 case with anyone else until I discharge you from jury  
 13 service.

14 Until I have discharged you from your jury  
 15 service, you must not share any information about the  
 16 case by any means, including cellular phones or social  
 17 media. If you discover that a juror has violated my  
 18 instructions, report it to my bailiff.

19 You may take notes during the trial if you  
 20 wish, but, of course, you do not have to. If you do take  
 21 notes, you should be careful that it does not distract  
 22 you from paying attention to all the evidence. When you  
 23 go to the jury room to decide your verdict, you may use  
 24 your notes to help you remember what happened in the  
 25 courtroom.

1 If you take notes, do not let anyone except the  
 2 other jurors see them during deliberations. You must  
 3 turn them over to the bailiff during recesses. Your  
 4 notes will not be examined by anyone. And when your jury  
 5 service concludes, your notes will be collected and  
 6 destroyed.

7 We'll provide you notebooks with paper and  
 8 writing pens and so forth so you can take notes during  
 9 the trial.

10 You can see that we have chosen a jury of 14.  
 11 After you have heard all of the evidence and my  
 12 instructions, we will draw lots to decide which two of  
 13 you will be dismissed in order to form a jury of 12.

14 Possible penalty should not influence your  
 15 decision. It is the duty of the judge to fix the penalty  
 16 within the limits provided by law. I may give you more  
 17 instructions during the trial. And at the end of the  
 18 trial, I will give you detailed instructions about the  
 19 law in this case. You should consider all of my  
 20 instructions as a connected series. Taken together, they  
 21 are the law you must follow.

22 After all of the evidence has been presented  
 23 and the lawyers give -- have given their arguments, I  
 24 will give you detailed instructions about the rules of  
 25 law that apply to this case. Then you will go to the



1 jury room to decide on your verdict.  
2 A verdict must be unanimous. That means that  
3 every juror must agree on it, and it must reflect the  
4 individual decision of each juror. It is important for  
5 you to keep an open mind and not make a decision about  
6 anything in the case until you go to the jury room to  
7 decide the case.  
8 Okay. I am going to, as I said earlier,  
9 release you now for the afternoon. We will have you  
10 report back on Thursday morning, not tomorrow, but on  
11 Thursday morning at about 8:15. We just need enough time  
12 to bring you upstairs. You're going to report downstairs  
13 in the jury assembly room where you started, and  
14 Mr. Adkins will come down. And once everybody is there,  
15 he'll bring you up to the jury room and have you in the  
16 jury room until we're ready to start.  
17 Again, our objective is to start at 8:30. I  
18 can tell that you things happen sometimes. There are  
19 some things that come up that I need to deal with, but  
20 that's our goal. We'll do the best we can to not waste  
21 any of your time waiting.  
22 So if you can all try to be here about 8:15,  
23 you don't need to be here any sooner than that, but at  
24 about 8:15 will give us plenty of time to have you come  
25 up to the jury room. We'll start at 8:30, if we're able,  
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1 and we'll go until about 1 o'clock. We'll take breaks  
2 during the day until then.  
3 As I indicated earlier during the jury  
4 selection process, you are free to bring in snacks or  
5 drinks if you like, put things in the refrigerator. I  
6 realize that this will run you past the lunch hour that  
7 you're used to. I do find that jurors actually like this  
8 schedule. You'll get used to it. And we'll give you  
9 enough breaks to get you through to about 1 o'clock or  
10 so.  
11 And occasionally I'll bring in something to put  
12 in the jury room as well; sometimes some chocolate or  
13 something mostly because that's what I like.  
14 So we'll run that schedule unless we give you  
15 some -- I'll tell you if we're going to change it. I'll  
16 try to give you advance notice if there is any change if  
17 we know of something that comes up the day before or  
18 something. For example, if we're going to have to stop a  
19 little earlier or we're going to run a little later,  
20 we'll try to give you some idea. But we'll be running  
21 that schedule Thursday, Friday, Monday, Tuesday, and then  
22 Thursday and Friday.  
23 When you get to the part of the case where  
24 we're finished with everything we need to have presented  
25 to you and you go into deliberations, there is no time  
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1 limit. So we don't know how long the deliberations will  
2 take. And we'll talk more about that when we get to that  
3 point in time. And if you're deliberating through a meal  
4 hour, we'll provide lunch. But, otherwise, we just go  
5 until about 1 o'clock, and you'll be released and go  
6 about your business.  
7 Again, I need to remind you especially since we  
8 know, and you can all see, that there is going to be  
9 media coverage in this case from time to time, to not  
10 discuss the case with anyone. Do not read or watch or  
11 listen to any media reports of any kind. Just ignore  
12 anything that's out there about the case.  
13 And we will have you go back to the jury room  
14 with Mr. Adkins and see you back here on Thursday  
15 morning.  
16 (At 1:06 p.m., the jury left the  
17 courtroom.)  
18 THE COURT: Is there anything anyone wants to  
19 put on the record about -- jury selection, I asked about  
20 that earlier, but jury selection, the preliminary  
21 instructions as given? Anything at all, Mr. Roth?  
22 MR. ROTH: The only thing that I was going to  
23 place on the record is that I will send to the Court and  
24 cc Mr. Morley this afternoon the petition for the capias  
25 warrant. Obviously it's not something that typically has  
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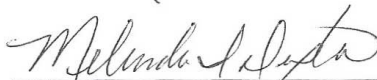
1 a response or needs a hearing. And so we would hope to  
2 execute that today.  
3 THE COURT: All right.  
4 Mr. Morley, anything that you want to place on  
5 the record?  
6 MR. MORLEY: I don't have anything, Judge.  
7 Thank you.  
8 THE COURT: Anything with regard to the capias  
9 warrant? You have no objection to me signing it when it  
10 gets here?  
11 MR. MORLEY: I don't think I can, and I  
12 wouldn't have any knowledge that would bear one way or  
13 another.  
14 THE COURT: All right. If there is something,  
15 Mr. Morley, that you see when you receive a copy of it  
16 that you think is an issue in some way, please let me and  
17 Mr. Roth know as soon as possible.  
18 MR. MORLEY: I will. Thank you, Judge.  
19 THE COURT: Okay. So we'll see you all back  
20 here on Thursday morning.  
21 MR. MORLEY: Thank you, Judge.  
22 Thank you, Mr. Roth.  
23 MR. ROTH: Thank you.  
24 (At 1:07 p.m., the matter  
25 concluded for the day.)  
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1 STATE OF MICHIGAN)  
 ) SS.  
2 COUNTY OF INGHAM)

3  
4 CERTIFICATE OF REPORTER

5  
6 I, Melinda I. Dexter, Certified Shorthand  
7 Reporter, do hereby certify that the foregoing  
8 **174 pages** comprise an accurate, true, and complete  
9 (Volume 1 of 9) transcript of the proceedings and  
10 testimony taken in the case of the **People of the**  
11 **State of Michigan** versus **John C. Kelsey II,**  
12 **Case No. 14-1380-FH, on Tuesday, May 26, 2015.**

13 I further certify that this transcript of the  
14 record of the proceedings and testimony truly and  
15 correctly reflects the exhibits, if any, offered by the  
16 respective parties. WITNESS my hand this the nineteenth  
17 day of November 2015.

18  
19  
20 

21 \_\_\_\_\_  
22 Melinda I. Dexter, RMR, CSR-4629  
23 NCRA Realtime Systems Administrator  
24 Official Court Reporter  
25 313 West Kalamazoo  
P.O. Box 40771  
Lansing, Michigan 48901-7971